7461. Also, petition of Daughters of the American Revolution, Baltimore, Md., urging early consideration of immigration measure, Senate bill 51; to the Committee on Immigration and Naturalization.

7462. By Mr. HENRY T. RAINEY: Resolution of Calhoun County (Ill.) Farm Bureau, that the membership respectfully request that WLS, "The Voice of Agriculture," be given a clear channel on a favorable wave length; to the Committee on the Merchant Marine and Fisheries.

7463. By Mr. SWANSON: Petition of Woman's Christian Temperance Union of Little Sioux, Iowa, favoring Federal supervision of motion pictures in interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7464. By Mr. YATES: Petition of S. B. Wilson, of the law firm of Wilson & Robinson, of Ashland, Ky., requesting the passage of House bill 9547; to the Committee on the Judiciary.

7465. Also, petition of Thomas H. MacRae, president MacRae Blue Book, 18 East Huron Street, Chicago, protesting the passage of House bill 11096, relative to postal rates; to the Committee on the Post Office and Post Roads.

7466. Also, petition of Arthur G. Smith, president Spic Laboratories (Inc.), 325 West Huron Street, Chicago, Ill., protesting the passage of House bill 11096; to the Committee on the Post Office and Post Roads.

7467. Also, petition of Charles von Weller, president of the Von Weller-Lyon Co., 570 West Monroe Street, Chicago, Ill., protesting the passage of House bill 11096, relative to certain postal rates; to the Committee on the Post Office and Post Roads.

7468. Also, petition of O. R. Geuther, president of Marshall-Jackson Co., 24–26 South Clark Street, Chicago, Ill., protesting the passage of House bill 11096, stating it is his belief that the above bill would injure all business; to the Committee on the Post Office and Post Roads.

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# SENATE

## THURSDAY, *June 5, 1930*

*(Legislative day of Thursday, May 29, 1930)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1906. An act for the appointment of an additional circuit judge for the fifth judicial circuit; and

S. 3493. An act to provide for the appointment of an additional circuit judge for the third judicial circuit.

The message also announced that the House insisted upon its amendments to the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RANSLEY, Mr. WURZBACH, Mr. REECE, Mr. QUIN, and Mr. FISHER were appointed managers on the part of the House at the conference.

The message returned the following bills to the Senate in compliance with its request:

S. 4442. An act relating to suits for infringement of patents where the patentee is violating the antitrust laws; and

H. R. 12205. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 11965. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes; and

H. R. 12302. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

### CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Allen | Frazier | Kendrick | Sheppard |
| Ashurst | George | Keyes | Shipstead |
| Barkley | Gillett | McCulloch | Shortridge |
| Bingham | Glass | McKellar | Simmons |
| Blaine | Glenn | McMaster | Smoot |
| Blease | Goff | McNary | Steiwer |
| Borah | Goldsborough | Metcalf | Stephens |
| Bratton | Gould | Moses | Sullivan |
| Brock | Greene | Norbeck | Swanson |
| Brookhart | Hale | Norris | Thomas, Okla. |
| Broussard | Harris | Nye | Trammell |
| Capper | Harrison | Oddie | Tydings |
| Connally | Hatfield | Overman | Vandenberg |
| Copeland | Hayden | Patterson | Walsh, Mass. |
| Couzens | Hebert | Phipps | Walsh, Mont. |
| Cutting | Heflin | Pine | Waterman |
| Dale | Howell | Ransdell | Watson |
| Deneen | Johnson | Robinson, Ind. | Wheeler |
| Fess | Jones | Robsion, Ky. | |

Mr. SHEPPARD. I desire to announce that the Senator from Utah [Mr. KING], the Senator from South Carolina [Mr. SMITH], and the Senator from Florida [Mr. FLETCHER] are necessarily detained by illness.

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution of the executive committee of the Department of the District of Columbia, American Legion, urging the Senate not to ratify the treaty for the limitation and reduction of naval armament, signed at London on April 22, 1930, and to build a navy to meet all requirements, which was referred to the Committee on Foreign Relations.

He also laid before the Senate telegrams from Marie Lessey, of Royal Oak, Mich., and the Congress of Hungarian Societies and Churches, of Pittsburgh and vicinity, in the State of Pennsylvania, felicitating the Senate on the tenth anniversary of the treaty of Trianon—June 4, 1930—for its action in not ratifying the said treaty, and also favoring protection for the Hungarian nation, which were referred to the Committee on Foreign Relations.

He also laid before the Senate a letter and telegrams in the nature of petitions from the pastor, chief elder, and members of the Hungarian Reformed Church, of McKeesport, Pa.; the New York Hungarian Young Men's Circle and Singing Society, of New York, N. Y.; the Hungarian Civic Club, of Bridgeport, Conn., and the branch of the Hungarian Women's World League, of Youngstown, Ohio, praying, on the tenth anniversary of the treaty of Trianon, for a revision of that treaty, which dismembered Hungary, the 1,000-year-old state of central Europe, in the interest of peace and economic progress, which were referred to the Committee on Foreign Relations.

Mr. BINGHAM. Mr. President, I present and ask unanimous consent to have printed in the RECORD and referred to the Committee on Foreign Relations a telegram in the nature of a petition.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

BRIDGEPORT, CONN., *June 3, 1930.*

The SENATE OF THE UNITED STATES OF AMERICA,
*Washington, D. C.:*

June 4, 1930, is the tenth anniversary of the treaty of Trianon which dismembered Hungary, the 1,000-year-old state of central Europe. The treaty of Trianon was not ratified by the United States Senate. She felt the moral obligation to refuse it after it repudiated those principles of humanity and ideals of democracy which she fought for. The peace treaties were never intended to be sacrosanct. The experience of the last decade has proved that revision of the Trianon treaty is imperative if peace is to be preserved and economic progress assured. No lapse of time, no defeat of hopes will be sufficient to reconcile Hungarians to the desperate position to which the Trianon treaty has doomed them, and we will strive continually for the revision of a treaty which took no account of the Wilson principle of self-determination of peoples and which is contrary to all ideas of peace and liberty and, above all, of democracy.

FIRST MAGYAR REFORMED CHURCH OF BRIDGEPORT, CONN.

### REPORTS OF COMMITTEES

Mr. STEIWER, from the Committee on Indian Affairs, to which was referred the bill (S. 2134) for the determination and payment of certain claims against the Choctaw Indians enrolled as Mississippi Choctaws, reported it with amendments and submitted a report (No. 819) thereon.

Mr. FRAZIER (for Mr. SCHALL), from the Committee on Indian Affairs, to which was referred the bill (S. 4050) to confer full rights of citizenship upon the Cherokee Indians resident in the State of North Carolina, and for other purposes, reported it without amendment and submitted a report (No. 840) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4617. A bill to provide for the creation of the colonial national monument in the State of Virginia, and for other purposes, reported it with amendments and submitted a report (No. 820) thereon; and

H. R. 4189. An act to add certain lands to the Boise National Forest (Rept. No. 833).

Mr. NYE also, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4164. A bill authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920 (Rept. No. 834);

S. 4283. A bill ratifying and confirming the title of the State of Minnesota and its grantees to certain lands patented to it by the United States of America (Rept. No. 835);

H. R. 4020. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Upper Mississippi National Park in the States of Iowa, Illinois, Wisconsin, and Minnesota (Rept. No. 836);

H. R. 9169. An act for the relief of the successors of Luther Burbank (Rept. No. 837);

H. R. 9198. An act to remove cloud as to title of lands at Fort Lyttleton, S. C. (Rept. No. 838); and

H. R. 10780. An act to transfer certain lands to the Ouachita National Forest, Ark. (Rept. No. 839).

Mr. McNARY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3557) to provide for the acquisition of certain timberlands and the sale thereof to the State of Oregon for recreational and scenic purposes, reported it with an amendment and submitted a report (No. 832) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 39. A bill for the relief of Kate Canniff (Rept. No. 821);

S. 325. A bill for the relief of former Lieut. Col. Timothy J. Powers (Rept. No. 822); and

H. R. 3764. An act for the relief of Ruban W. Riley (Rept. No. 823).

Mr. HOWELL also, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4612. A bill for the relief of the corporation C. P. Jensen (Rept. No. 824);

H. R. 692. An act for the relief of Ella E. Horner (Rept. No. 825);

H. R. 1499. An act for the relief of C. O. Crosby (Rept. No. 826);

H. R. 4469. An act for the relief of Second Lieut. Burgo D. Gill (Rept. No. 827);

H. R. 6651. An act for the relief of John Golombiewski (Rept. No. 828); and

H. R. 7464. An act for the relief of Robert R. Strehlow (Rept. No. 829).

Mr. HOWELL also, from the Committee on Commerce, to which was referred the bill (S. 4583) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872, reported it without amendment and submitted a report (No. 841) thereon.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 969) to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States circuit judges, reported it without amendment and submitted a report (No. 830) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 3416) repealing various provisions of the act of June 15, 1917, entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes" (40 Stat. L. 217), reported it without amendment and submitted a report (No. 831) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day, June 5, 1930, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 108. An act to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce;

S. 3272. An act to authorize the dispatch from the mailing post office of metered permit matter of the first class prepaid at least 2 cents but not fully prepaid, and to authorize the acceptance of third-class matter without stamps affixed in such quantities as may be prescribed;

S. 3531. An act authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes;

S. 3599. An act to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues; and

S. J. Res. 167. Joint resolution to clarify and amend an act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes," approved March 2, 1927.

REPORTS OF NOMINATIONS

As in executive session,

Mr. DENEEN, from the Committee on the Judiciary, reported the nomination of Albert C. Sittel, of California, to be United States marshal, southern district of California, which was placed on the Executive Calendar.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported the nomination of Frank J. Nunn to be postmaster at Brownsville, Tenn., in place of F. J. Nunn, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ODDIE:

A bill (S. 4643) to provide for an Indian village at Elko, Nev.; to the Committee on Indian Affairs.

By Mr. ROBINSON of Indiana:

A bill (S. 4644) granting a pension to Fanny M. Coffey (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4645) to amend the national prohibition act by prohibiting the purchase of intoxicating liquor for beverage purposes; to the Committee on the Judiciary.

By Mr. DENEEN:

A bill (S. 4646) for the relief of Howard Donovan; to the Committee on Claims.

CHANGE OF REFERENCE

On motion of Mr. ODDIE, the Committee on Claims was discharged from the further consideration of the bill (S. 4642) for the relief of the Crystal Land Co., and it was referred to the Committee on Indian Affairs.

AMENDMENT TO RIVER AND HARBOR BILL—SABINE-NECHES WATERWAY, TEXAS

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 11781, the river and harbor authorization bill, which was ordered to lie on the table and to be printed.

LOANS ON ADJUSTED COMPENSATION CERTIFICATES

Mr. McKELLAR submitted the following resolution (S. Res. 284), which was ordered to lie on the table:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate at the earliest practicable moment the number of adjusted-compensation certificates on which the Treasury has lent money since the 4th of March, 1929, and also the number of soldiers who have asked for loans on such certificates.

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT

Mr. ROBINSON of Indiana. I ask unanimous consent to reconsider the vote by which the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors. I have a corrected report to submit to take its place.

The VICE PRESIDENT. Without objection, the vote agreeing to the conference report will be reconsidered.

Mr. ROBINSON of Indiana submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 7, 9, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, and agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows: Strike out in the Senate engrossed amendments the following:

Page 4, lines 10 to 13, both inclusive.
Page 4, lines 21 to 24, both inclusive.
Page 5, lines 23 and 24, and page 6, lines 1 and 2.
Page 11, lines 13 to 17, both inclusive.
Page 12, lines 18 to 21, both inclusive.
Page 16, lines 13 to 16, both inclusive.

On page 3, line 3, strike out "$20" and in lieu thereof insert "$12."

On page 4, line 6, strike out "$20" and in lieu thereof insert "$12."

On page 4, line 19, strike out "$17" and in lieu thereof insert "$12."

On page 5, line 12, strike out "$20" and in lieu thereof insert "$6."

On page 6, line 5, strike out "$17" and in lieu thereof insert "$12."

On page 6, line 14, strike out "$12" and in lieu thereof insert "$6."

On page 6, line 17, strike out "$17" and in lieu thereof insert "$6."

On page 7, line 6, strike out "$24" and in lieu thereof insert "$17."

On page 7, line 14, strike out "$20" and in lieu thereof insert "$12."

On page 9, line 11, strike out "$17" and in lieu thereof insert "$12."

On page 9, line 20, strike out "$20" and in lieu thereof insert "$12."

On page 9, line 22, strike out "$20" and in lieu thereof insert "$17."

On page 10, line 23, strike out "$20" and in lieu thereof insert "$12."

On page 10, line 26, strike out "$20" and in lieu thereof insert "$12."

On page 11, line 2, strike out "$20" and in lieu thereof insert "$12."

On page 12, line 9, strike out "$20" and in lieu thereof insert "$17."

On page 13, line 3, strike out "$12" and in lieu thereof insert "$6."

On page 13, line 6, strike out "$12" and in lieu thereof insert "$6."

On page 13, line 9, strike out "$12" and in lieu thereof insert "$6."

On page 13, line 13, strike out "$12" and in lieu thereof insert "$6."

On page 13, line 18, strike out "$12" and in lieu thereof insert "$6."

On page 14, line 15, strike out "$125" and in lieu thereof insert "$50."

On page 14, line 18, strike out "$30" and in lieu thereof insert "$12."

On page 14, line 23, strike out "$12" and in lieu thereof insert "$6."

On page 16, line 19, strike out "$17" and in lieu thereof insert "$12"; and the Senate agree to the same.

ARTHUR R. ROBINSON,
PETER NORBECK,
B. K. WHEELER,
*Managers on the part of the Senate.*

HAROLD KNUTSON,
W. F. KOPP,
JOHN C. BOX,
*Managers on the part of the House.*

The report was agreed to.

VOCATIONAL REHABILITATION

Mr. METCALF. Mr. President, I submit a conference report and ask for its immediate consideration.

The report was read, considered, and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10175) to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "$80,000"; and the Senate agree to the same.

JESSE H. METCALF,
JAMES COUZENS,
DAVID I. WALSH,
*Managers on the part of the Senate.*

DANIEL A. REED,
E. HART FENN,
LORING M. BLACK, JR.,
*Managers on the part of the House.*

YAQUINA RIVER (OREG.) PROJECT (S. DOC. NO. 159)

Mr. JOHNSON presented a communication from the Chief of Engineers of the Army relative to a review of the reports on Yaquina River, Oreg., from Toledo to Yaquina Bay, with a view to determining if further improvement of this locality is advisable at the present time, which, with the accompanying report of the Board of Engineers for Rivers and Harbors, was referred to the Committee on Commerce and ordered to be printed.

THE CALENDAR

Mr. McNARY. Mr. President, a number of Members of the Senate have expressed the desire briefly to consider the calendar, particularly with reference to House bills. Therefore I am going to ask unanimous consent that we take up the calendar and consider only unobjected bills for a period of 30 minutes.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, does the Senator ask that we immediately take up the calendar?

Mr. McNARY. I am seeking consent to take it up for the consideration of unobjected bills only.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska object?

Mr. NORRIS. No; I do not want to interfere with the program, but why not go ahead with the tariff discussion which has been proceeding heretofore? If a point of order is sustained, then the conference committee will require time to meet and have a further conference. Why not dispose of the tariff matter first?

Mr. WATSON. Mr. President, the point is that a number of Senators are interested in the bills on the calendar and——

Mr. NORRIS. We are all interested in the tariff bill.

Mr. WATSON. They want to get the Senate bills over to the House so the House will have time to act upon them. They are fearful if that is not done that they will not be acted on at this session. Thirty minutes' time is all we ask.

Mr. NORRIS. Thirty minutes' time is just as important to the tariff bill as it is to the other bills. I do not want to object because I do not desire to interfere with the program of the leaders, but I wish to call attention to the fact that they are delaying the tariff bill and somebody will be responsible for that delay. It can not stand many delays.

Mr. McNARY. I will assume the responsibility for 30 minutes.

Mr. NORRIS. Then some one else will assume it for another 30 minutes and the first thing we know Senators will have gone away and we shall not have disposed of the tariff bill, and then what is going to happen to the country?

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none. The clerk will state the first bill on the calendar.

The bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as first in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1133) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, was announced as next in order.

Mr. FESS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

Mr. BLEASE. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. BLAINE. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 49) authorizing the Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. METCALF. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 153) granting consent to the city and county of San Francisco to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. JOHNSON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 119) authorizing and directing the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco* and certain matters pertaining to interstate air commerce was announced as next in order.

Mr. METCALF. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, was announced as next in order.

Mr. PHIPPS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. FESS. That being the unfinished business, I ask that it may go over.

The VICE PRESIDENT. It will be passed over.

The bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, was announced as next in order.

Mr. TYDINGS. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 149) for the relief of unemployed persons in the United States was announced as next in order.

Mr. PHIPPS. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 23) to regulate the procurement of motor transportation in the Army was announced as next in order.

Mr. BLAINE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 120) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin American republics in highway matters was announced as next in order.

Mr. PHIPPS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7998) to amend subsection (d) of section 11 of the merchant marine act of June 5, 1920, as amended by section 301 of the merchant marine act of May 22, 1928, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. COPELAND. Mr. President, may I inquire if the Senator from Michigan [Mr. VANDENBERG] has offered any amendment to the bill just passed over?

Mr. VANDENBERG. I have not as yet. In the 30 minutes of the morning hour during which we are to consider the calendar I am sure there would not be time to consider the bill.

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

ADDITIONAL DISTRICT JUDGE, SOUTHERN DISTRICT OF NEW YORK

The bill (S. 3229) to provide for the appointment of an additional district judge for the southern district of New York was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the President is authorized to appoint, by and with the advice and consent of the Senate, an additional district judge for the District Court of the United States for the Southern District of New York. The judge so appointed shall reside in said district and his compensation and powers shall be the same as now provided by law for the judges of said district. A vacancy occurring at any time in the office of the district judge herein provided for is authorized to be filled.

Mr. COPELAND subsequently said: Mr. President, while I was temporarily out of the Chamber, Calendar No. 613, the bill (S. 3229) to provide for the appointment of an additional district judge for the southern district of New York, was passed. I ask unanimous consent that the votes by which it was ordered to a third reading and passed may be reconsidered, because I am under obligation to a Senator not present who wishes to be here when that bill is considered.

The VICE PRESIDENT. Without objection, the votes will be reconsidered and the bill restored to the calendar.

CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

The bill (H. R. 10960) to amend the law relative to citizenship and naturalization of married women, and for other purposes, was announced as next in order.

Mr. BINGHAM. Mr. President, I desire to offer two amendments to the bill, which I ask may be printed and lie on the table.

The VICE PRESIDENT. There is an amendment now pending.

Mr. McNARY. Mr. President, at the request of the Senator from Pennsylvania [Mr. REED], I ask that the bill may go over.

The VICE PRESIDENT. The two amendments proposed by the Senator from Connecticut will be printed and lie on the table.

Mr. TYDINGS. I also desire to offer an amendment to the bill, which I ask may be printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table. The bill will be passed over.

BUSINESS BEFORE PATENT OFFICE

The bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

SUFFICIENCY OF INDICTMENT IN UNITED STATES COURTS

The bill (S. 1916) to amend section 1025 of the Revised Statutes of the United States was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That section 1025 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 1025. No indictment found and presented by a grand jury in any district or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant, or by reason of the attendance before the grand jury during the taking of testimony of one or more clerks or stenographers employed in a clerical capacity to assist the district attorney or other counsel for the Government who shall, in that connection, be deemed to be persons acting for and on behalf of the United States in an official capacity and function."

Mr. BRATTON subsequently said: Mr. President, I ask unanimous consent that the votes whereby the bill (S. 1916) to amend section 1025 of the Revised Statutes of the United States was read the third time and passed may be reconsidered, and that the bill may go over.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

DIVISION OF IDENTIFICATION AND INFORMATION

The bill (H. R. 977) establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That there be, and there is hereby, established under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information; that said division shall be vested with the duty of acquiring, collecting, classifying, and preserving criminal identification and other crime records and the exchanging of said criminal identification records with the duly authorized officials of governmental agencies, of States, cities, and penal institutions; and that the cost of maintenance and operation of said division shall be paid from the appropriation "Detection and prosecution of crimes" for the respective fiscal years concerned, as otherwise provided.

BILLS PASSED OVER

The bill (S. 4357) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. COPELAND. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways was announced as next in order.

Mr. WATSON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3344) supplementing the national prohibition act for the District of Columbia was announced as next in order.

Mr. TYDINGS. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

DAMAGES FOR LAND TAKEN IN BALTIMORE AND HARFORD COUNTIES, MD.

The Senate proceeded to consider the bill (S. 654) for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.

Mr. TYDINGS. Mr. President, I have two or three amendments which will remove all objections to the passage of this bill. I move to strike out all after the enacting clause of the bill and to insert in lieu thereof the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Maryland will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and in lieu thereof to insert:

That the Court of Claims of the United States is hereby authorized, directed, and empowered to hear and investigate the claims of all persons formerly residing or having interests in Harford and Baltimore Counties, in the State of Maryland, and suffering any losses arising out of the taking of said lands, whether such losses have been direct or indirect, immediate or consequential, including losses arising from decrease or destruction of the value of real estate not taken; destruction or injury to an established business, professional practice, or other means of livelihood by loss of custom or otherwise; loss of employment; injury or destruction of property rights, including water rights and fishing rights; and losses of like character; and to report to the Congress its findings of such amounts as will fully compensate such persons for all losses for which full compensation has not heretofore been paid. All claims for damages based on this act shall be made by petition filed in the Court of Claims within one year from the passage of this act, and the claims of all persons who have heretofore brought suits and the same have been determined against them, shall be reopened, and the court shall then proceed to investigate such claims and report its findings to Congress.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. TYDINGS, the preamble was rejected.

BILL PASSED OVER

The bill (S. 2035) for the relief of the Public Service Coordinated Transport of Newark, N. J., was announced as next in order.

Mr. PHIPPS. Mr. President, I do not find that bill in my file; but I think the bill should go over, anyway.

The VICE PRESIDENT. The bill will be passed over.

EXPENSES OF THE DISTRICT GOVERNMENT

The Senate proceeded to consider the bill (S. 3558) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, which had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 17, before the word "evidence," to insert the article "the," so as to make the bill read:

*Be it enacted, etc.*, That paragraphs 64, 65, 66, 67, and 68 of section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913 (37 U. S. Stats.), are amended to read as follows:

"PAR. 64. That any public utility or any person or corporation affected by an order or decision of the commission fixing any rate, toll, charge, schedule, joint rate, regulation, requirement, act, service, or other thing complained of (not including a valuation) may commence an action or proceeding in the Supreme Court of the District of Columbia to review any such order or decision. The answer of the commission in any such action or proceeding shall be filed within 30 days from the date upon which such proceeding is commenced. In any such action or proceeding the findings of the commission as to the facts upon which such order or decision is based shall be conclusive, if such findings are supported by the evidence and if such order or decision is not confiscatory.

"PAR. 65. That all such proceedings shall have precedence over any civil cause of a different nature pending in such court, and the Supreme Court of the District of Columbia shall always be deemed open for the trial thereof and the same shall be tried and determined in the same manner as other actions and proceedings in equity in such courts, except as herein provided. The judgment and decree of the court shall be final, except that an appeal therefrom may be taken to the Court of Appeals of the District of Columbia and the judgment and decree on such appeal shall be subject to review by the Supreme Court of the United States upon certiorari as provided in section 240 of the Judicial Code.

"The commission may suspend the decision or order appealed from for such period as it may deem fair and reasonable under the circumstances, but no appeal, unless the court or the commission shall so order, shall operate to stay any order or decision of the commission. Neither the commission nor any of its members, officers, agents, or employees shall be taxed with any costs or be required to give any supersedeas, bond, or security for costs or damages on any appeal, or be liable to suit for any judgment or decree for damage, loss, or injury claimed to have been sustained by any public utility or any person or corporation affected by an order or decision of the commission, or required in any case to make any deposit for costs, or to pay for any service to the clerk of any court, or to the marshal of the United States.

"PAR. 66. That the method of review of the orders and decisions of the commission provided in paragraphs 64 and 65 shall be exclusive; and, upon such review, such court shall have the power to affirm, or, if the decision or order of the commission is not in accordance with law, to modify or to reverse such order or decision in the manner following:

"(1) If, upon the trial of such action or proceeding, evidence shall be introduced which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court, before proceeding to render judgment unless the parties to such action or proceeding stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission and shall stay further proceedings in said action for 15 days from the date of such transmission.

"(2) Upon the receipt of such evidence the commission shall consider the same and may modify or reverse its order or decision relating to such rate, toll, charge, schedule, joint rate, regulation, requirement, act, service, or other thing complained of (not including a valuation) in said action or proceeding, and shall report its action thereon to said court within 10 days from the receipt of such evidence.

"PAR. 67. If the commission shall reverse its order or decision complained of, the action or proceeding shall be dismissed; if it shall modify the same, such modified order or decision shall take the place of the original order or decision complained of, and judgment shall be rendered thereon as though made by the commission in the first instance. If the original order or decision shall not be reversed or modified by the commission judgment shall be rendered upon such original order.

"PAR. 68. That every action or proceeding to modify or reverse an order or decision of the commission shall be commenced within 60 days after the entry of such order or decision."

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CAPPER subsequently said: Mr. President, during the morning hour the Senate, having under consideration bills on the calendar, passed the bill (S. 3558) which has to do with the

court review of public-utility cases. The members of the committee with which the bill originated had in mind an amendment which they desired to offer, and were not aware that the bill was under consideration. I therefore ask unanimous consent that the votes by which the bill was ordered to a third reading and passed be reconsidered and that the bill be restored to its place on the calendar.

Mr. GLASS. Reserving the right to object, I shall not object if it is distinctly understood that when the bill is reached on the calendar again there will be no objection to its consideration and disposition.

Mr. CAPPER. The Senator from Wisconsin [Mr. BLAINE] is especially interested in the bill, and it is my understanding that he only wants to offer an amendment and have it considered by the Senate. Therefore I do not believe there will be any delay.

The VICE PRESIDENT. Without objection, the votes will be reconsidered and the bill will be restored to the calendar.

BILLS PASSED OVER

The bill (S. 3399) to amend section 2 (e) of the air commerce act of 1926 was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death was announced as next in order.

Mr. BRATTON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE W. POSEY

The Senate proceeded to consider the bill (H. R. 1086) for the relief of George W. Posey, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 8, after the words "United States," to insert "as a private of Company A, Twentieth Regiment Wisconsin Volunteer Infantry, on the 24th day of August, 1862, and as a private of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry," so as to make the bill read:

*Be it enacted, etc.*, That in the administration of the pension laws George W. Posey, late of Company A, Twentieth Regiment, and of Company B, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Twentieth Regiment Wisconsin Volunteer Infantry, on the 24th day of August, 1862, and as a private of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, on the 24th day of July, 1865: *Provided*, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JACOB SCOTT

The bill (H. R. 1053) for the relief of Jacob Scott was considered, read, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws, Jacob Scott, who was a private of Company B, Fourth Regiment Missouri State Militia Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 8th day of March, 1863, and as a member of Company M, Second Regiment Arkansas Volunteer Cavalry, on the 15th day of December, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

BILL PASSED OVER

The bill (S. 4123) to provide for the aiding of farmers in any State by the making of loans to drainage districts, levee districts, levee and drainage districts, counties, boards of supervisors, and/or other political subdivisions and legal entities, and for other purposes, was announced as next in order.

Mr. PHIPPS. Mr. President, that is a very important bill, and it had better go over, so that greater opportunity may be afforded to study it.

The VICE PRESIDENT. The bill will be passed over.

EDITH BARBER

The Senate proceeded to consider the bill (S. 1496) for the relief of Edith Barber, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Edith Barber, who contracted tuberculosis while in the performance of her duties as a nurse at the National Soldiers' Home, Johnson City, Tenn., and the National Soldiers' Home, Va.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY ALTIERI

The Senate proceeded to consider the bill (S. 1042) for the relief of Mary Altieri, which had been reported from the Committee on Claims with amendments, on page 1, at the beginning of line 3, to strike out "That there be paid" and to insert "That the Secretary of the Treasury be, and is hereby, authorized and directed to pay," and in line 6, after the words "sum of," to strike out "$2,000" and insert "$1,000," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Mary Altieri as compensation for personal injuries to said Mary Altieri, who was injured February 11, 1917, by a United States automobile which was carrying mail in the city of Chicago, Ill., at the time driven by an unidentified person.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA E. NICHOLS

The Senate proceeded to consider the bill (S. 859) to extend the benefits of the United States employee's compensation act of September 7, 1916, to Clara E. Nichols, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's office, War Department, Los Angeles, Calif.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Clara E. Nichols."

PATRICK J. MULKAREN

The Senate proceeded to consider the bill (S. 4070) for the relief of Patrick J. Mulkaren, which had been reported from the Committee on Claims with an amendment, on page 1, after the words "sum of," to strike out "$19,690" and to insert "$6,000," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Patrick J. Mulkaren, Wewoka, Okla., the sum of $6,000 in full satisfaction of his claim against the United States for (1) the value of certain homestead lands to which a patent was issued to him on September 21, 1925, but title to which was subsequently determined to be in the State of Oklahoma, (2) the value of land taken from him and the value of his improvements upon such lands, and (3) reimbursement of all amounts paid by him to the United States in connection with such lands prior to the issuance of such patent.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER M. PROCTOR

The bill (S. 3853) for the relief of Alexander M. Proctor was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alexander M. Proctor, who was a member of Company B, Twenty-third Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 1st day of May, 1878: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

T. J. HILLMAN

The bill (H. R. 5524) for the relief of T. J. Hillman was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, T. J.

Hillman, who was a member of Company C, Third Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 23d day of December, 1898: *Provided*, That no bounty back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

RIGHT OF WAY OVER FORT BANKS RESERVATION, MASS.

The bill (H. R. 6591) authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized and directed to grant to the town of Winthrop, Mass., a right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet in said town of Winthrop, Mass., upon such location as the Secretary of War may approve, and subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation.

CONFEDERATE CEMETERY, FAYETTEVILLE, ARK.

The bill (S. 4247) to provide for the improvement of the approach to the Confederate Cemetery, Fayetteville, Ark., was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Mildren Lee Chapter, United Daughters of the Confederacy, the sum of $3,200, or so much thereof as may be necessary, for the construction of a suitable hard-surfaced road from the end of the paved portion of East Rock Street, Fayetteville, Ark., and running along the unpaved portion of said street to the entrance of the Confederate Cemetery in said city, such road to be constructed under the supervision of the Secretary of War. No payment shall be made under this act until the city of Fayetteville has consented to the construction of such road.

LILLIAN G. FROST

The bill (S. 4345) for the relief of Lillian G. Frost was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lillian G. Frost, mother of Franklin Blaine Frost, late vice consul and third secretary, Department of State, the sum of $3,500, being one year's salary of her deceased son, who died while in the Foreign Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

POWER DEVELOPMENT IN PASSAMAQUODDY AND COBSCOOK BAYS

The joint resolution (H. J. Res. 243) authorizing an appropriation to defray one-half of the expenses of a joint investigation by the United States and Canada of the probable effects of proposed developments to generate electric power from the movement of the tides in Passamaquoddy and Cobscook Bays was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Resolved, etc.*, That the sum of $45,000 is hereby authorized to be appropriated to defray one-half of the expenses of an investigation to be made jointly by the United States and Canada of the probable effects of proposed international developments to generate electric power from the movement of the tides in Passamaquoddy and Cobscook Bays on the fisheries of that region, including travel and subsistence or per diem in lieu of subsistence, compensation of employees, stenographic and other services, rent of offices in the District of Columbia or elsewhere by contract, if deemed necessary, printing and binding, purchase of necessary equipment, charter of vessels, and such other expenses as may be authorized by the Secretary of State.

N. D'A. DRAKE

The Senate proceeded to consider the bill (S. 2887) for the relief of N. D'A. Drake, which had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is authorized and directed to pay to Nels D'Arcy Drake, midshipman, United States Navy, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, in full satisfaction of all claims against the United States on account of injuries received in the line of duty, August 7, 1928, while serving on board the U. S. S. *Florida*.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

ROSCOE M'KINLEY MEADOWS

The bill (S. 4338) for the relief of Roscoe McKinley Meadows was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of the emergency officers' retirement act of May 24, 1928, Roscoe McKinley Meadows shall be held and considered to have served as an officer of the Navy of the United States during the World War other than as an officer of the regular Navy.

APPROACH ROAD TO ARLINGTON MEMORIAL BRIDGE

The bill (S. 4576) to provide for an investigation as to the location and probable cost of a southern approach road to the Arlington Memorial Bridge, and for other purposes, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of Agriculture is hereby authorized and directed to investigate, survey, and prepare plans and estimates for the location and construction of a suitable approach road to the Arlington Memorial Bridge from the end of said bridge on the south side of the Potomac River in the State of Virginia to the northwest corner of the Fort Myer Military Reservation. Such approach road shall be in keeping with the memorial bridge project, and the plans therefor may include the separation of grades and shall include landscaping and adjacent parking. The investigation and survey shall determine what lands in private ownership, in addition to suitable and available lands now belonging to the United States, will be needed to provide the right of way for such approach road, including landscaping and parking; and the Secretary of Agriculture is hereby authorized to obtain, where possible, options from the owners of such lands agreeing to donate the same to the Government, or stipulating a price at which such lands will be sold to the United States if finally acquired for the purpose of said approach road. The Secretary of Agriculture is hereby authorized to utilize the services of any available personnel in the Department of Agriculture for the purpose of carrying out the provisions of this act, and may pay all costs necessarily incurred out of the administrative fund provided under section 21 (first paragraph) of the Federal highway act. Upon completion of the investigation, survey, plans, and estimates of cost hereunder, the Secretary of Agriculture, after consultation with the Commission of Fine Arts and the National Capital Park and Planning Commission, shall report the same to the Congress with his recommendations.

BILL PASSED OVER

The bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence, etc., was announced as next in order.

Mr. FESS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

WILLIAM GERAVIS HILL

The bill (H. R. 3610) for the relief of William Geravis Hill was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Geravis Hill, formerly of the United States Navy, shall hereafter be held and considered to have been discharged under honorable conditions from the naval service of the United States as a member of the United States Navy on the 26th day of March, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

WILLIAM H. BEHLING

The bill (H. R. 5611) for the relief of William H. Behling was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is hereby authorized and directed to cause to be paid, from appropriations for beneficiaries of officers who died while on the active list of the Navy, to William H. Behling, father of William Charles Behling, late chief carpenter's mate, United States Navy, an amount equal to six months' pay at the rate said William Charles Behling was receiving at the date of his death: *Provided*, That William H. Behling's dependency upon his son, William Charles Behling, shall be established to the satisfaction of the Secretary of the Navy.

GEORGE JOSEPH BOYDELL

The bill (H. R. 2626) for the relief of George Joseph Boydell was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors George Joseph Boydell, who served as an enlisted man in the United

States Navy, shall hereafter be held and considered to have been discharged honorably from the naval service of the United States as an enlisted man in the United States Navy: *Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the date of passage of this act.

BUREAU OF NARCOTICS, TREASURY DEPARTMENT

The Senate proceeded to consider the bill (H. R. 11143) to create in the Treasury Department a bureau of narcotics, and for other purposes, which had been reported from the Committee on Finance with amendments.

The first amendment was, on page 6, after line 19, to strike out section 6, as follows:

SEC. 6. Subdivision (a) of section 1 of the narcotic drugs import and export act, as amended (U. S. C., title 21, sec. 171), is amended to read as follows:

"(a) The term 'narcotic drug' means opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, except that such term shall not include (1) coca leaves which do not contain cocaine, ecgonine, or any salt, derivative, or preparation from which cocaine or ecgonine may be synthesized or made; or (2) any salt, derivative, or preparation of coca leaves which does not contain cocaine, ecgonine, or any ingredient or ingredients from which cocaine or ecgonine may be synthesized or made."

And insert a new section 6, as follows:

SEC. 6. In addition to the amount of coca leaves which may be imported under section 2 (b) of the narcotic drugs import and export act, the Commissioner of Narcotics is authorized to permit, in accordance with regulations issued by him, the importation of additional amounts of coca leaves: *Provided*, That after the entry thereof into the United States all cocaine, ecgonine, and all salts, derivatives, and preparations from which cocaine or ecgonine may be synthesized or made, contained in such additional amounts of coca leaves, shall be destroyed under the supervision of an authorized representative of the Commissioner of Narcotics. All coca leaves imported under this section shall be subject to the duties which are now or may hereafter be imposed upon such coca leaves when imported.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert a new section, as follows:

SEC. 8. That the Secretary of the Treasury shall cooperate with the several States in the suppression of the abuse of narcotic drugs in their respective jurisdictions, and to that end he is authorized (1) to cooperate in the drafting of such legislation as may be needed, if any, to effect the end named, and (2) to arrange for the exchange of information concerning the use and abuse of narcotic drugs in said States and for cooperation in the institution and prosecution of cases in the courts of the United States and for the licensing boards and courts of the several States. The Secretary of the Treasury is hereby authorized to make such regulations as may be necessary to carry this section into effect.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DUCK RIVER BRIDGE NEAR CENTERVILLE, TENN.

The Senate proceeded to consider the bill (S. 4175) to grant the consent of Congress to the Highway Department of the State of Tennessee to maintain a bridge across Duck River, on the Nashville-Centerville Road, near Centerville, in Hickman County, Tenn., and approximately 1,000 feet upstream from the existing steel bridge on the Centerville-Dickson Road, which had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the word "the," to strike out "consent of Congress is hereby granted to the," and insert "bridge now being constructed by the"; in line 5, after the name "Tennessee," to strike out "and its successors and assigns to maintain and operate a bridge and approaches thereto originally constructed by the Highway Department of the State of Tennessee"; and on page 2, line 4, after the word "Road," to strike out "without prior approval of plans and location by the Chief of Engineers and by the Secretary of War in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," and insert "be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the approval of plans of said bridge by the Chief of Engineers and the Secretary of War required by the existing laws of the United States had been regularly obtained prior to commencement of construction of said bridge," so as to make the bill read:

*Be it enacted, etc.*, That the bridge now being constructed by the Highway Department of the State of Tennessee across Duck River on the Nashville-Centerville Road, near Centerville in Hickman County, Tenn., and approximately 1,000 feet upstream from the existing steel bridge on the Centerville-Dickson Road, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the approval of plans of said bridge by the Chief of Engineers and the Secretary of War required by the existing laws of the United States had been regularly obtained prior to commencement of construction of said bridge.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to legalize a bridge across Duck River, on the Nashville-Centerville Road, near Centerville in Hickman County, Tenn., and approximately 1,000 feet upstream from the existing steel bridge on the Centerville-Dickson Road."

BILL PASSED OVER

The bill (H. R. 7996) to change the name of Iowa Circle in the city of Washington to Logan Circle was announced as next in order.

The VICE PRESIDENT. The Chair is informed that the Senator from Iowa [Mr. STECK] desires to be present when that bill is reached. The bill will therefore be passed over.

CLOSING OF ALLEYS IN DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 4478) to authorize the Commissioners of the District of Columbia to close certain alleys and to set aside land owned by the District of Columbia for alley purposes, which was reported from the Committee on the District of Columbia with an amendment, on page 3, after line 2, to insert a new section, as follows:

SEC. 3. The Commissioners of the District of Columbia shall cause public notice to be given, by advertisement in a newspaper of general circulation in the District of Columbia, of any order to be made by the said commissioners under the authority granted them by the provisions of this act: *Provided*, That such public notice shall be given not less than 30 days prior to the effective date of such order: *And provided further*, That if any interested property owner affected adversely by such order shall request a public hearing by the said commissioners, within 30 days prior to the effective date of the order, the said commissioners shall grant such hearing.

So as to make the bill read:

*Be it enacted, etc.*, That the Commissioners of the District of Columbia be, and they are hereby, authorized to close the alley in square 2740, abutting lots 9 to 14, both inclusive, and extending east from the 16-foot alley in said square; to close the alleys in square 3268 extending south from Sheridan Street to the 20-foot alley running east and west through said square, and to close all that portion of the alley 10 feet wide in square 4541 abutting lots 803 and 804, and extending northerly from Rosedale Street to the 10-foot alley running east and west in said square, the District of Columbia being the owner of all the property abutting on said alleys herein authorized to be closed in said squares 2740, 3268, and 4541; and the said commissioners are further authorized to close any alleys or parts of alleys in the District of Columbia when, in their judgment, such alleys, or parts of alleys, are rendered useless and unnecessary by reason of the acquisition of abutting land for municipal purposes: *Provided*, That the District of Columbia, prior to the closing of any such alley or part of alley, has acquired title to all the land abutting on the alley or part of alley proposed to be closed: *Provided further*, That the title to the land comprised in the alleys or parts of alleys so closed shall revert to the District of Columbia: *And provided further*, That no property owner within the block where such alleys or parts of alleys are closed shall be deprived of the right of access to his property by alleys or parts of alleys, unless adequate access to such property be substituted therefor.

SEC. 2. The Commissioners of the District of Columbia are hereby further authorized to set aside for alley purposes any land owned by the District of Columbia whenever it becomes necessary to provide additional area for alleys by reason of the closing of any alley or part of any alley: *Provided*, That in each case the area set aside for alley purposes shall not exceed the area of the alley or part of alley closed.

SEC. 3. The Commissioners of the District of Columbia shall cause public notice to be given, by advertisement in a newspaper of general circulation in the District of Columbia, of any order to be made by the said commissioners under the authority granted them by the provisions of this act: *Provided*, That such public notice shall be given not less than 30 days prior to the effective date of such order: *And provided further*, That if any interested property owner affected adversely by such order shall request a public hearing by the said commissioners, within 30 days prior to the effective date of the order, the said commissioners shall grant such hearing.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. COMMANDER RALPH F. WOOD, UNITED STATES NAVY

The bill (S. 4293) authorizing Ralph F. Wood, lieutenant commander, United States Navy, to accept the decoration of an Italian brevet of military pilot honoris causa tendered him by the Italian Government, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That Ralph F. Wood, lieutenant commander, United States Navy, is authorized to accept the decoration of an Italian brevet of military pilot honoris Causa tendered to him by the Italian Government, and the Department of State is authorized to deliver such decoration to Ralph F. Wood.

FRANK J. HALE

The bill (H. R. 2951) granting six months' pay to Frank J. Hale, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay of the Navy, 1930," to Frank J. Hale, dependent father of the late Francis Everett Hale, seaman (second class), United States Navy, who was killed in a launch of the U. S. S. *West Virginia* when it was rammed by a merchant vessel at San Pedro, Calif., July 3, 1928, an amount equal to six months' pay at the rate said Francis Everett Hale was entitled to receive at the date of his death: *Provided*, That the said Frank J. Hale establish to the satisfaction of the Secretary of the Navy the fact that he was dependent upon his son, the late Francis Everett Hale.

LIEUT. COMMANDER JAMES C. MONFORT, UNITED STATES NAVY

The bill (H. R. 3175) to authorize Lieut. Commander James C. Monfort, of the United States Navy, to accept a decoration conferred upon him by the Government of Italy, was read, considered, ordered to a third reading, read the third time, and passed.

SILVER SERVICE OF CRUISER "OLYMPIA"

The bill (H. R. 4206) authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver-service set formerly in use on the U. S. cruiser *Olympia* was announced as next in order.

Mr. JONES. Mr. President, I had a telegram a day or two ago from individuals purporting to represent an organization in my State which would like to have the cruiser *Olympia*. So I ask, at any rate for the present, that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

MEMENTOES FROM CRUISER "ST. LOUIS"

The bill (H. R. 9109) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Jefferson Memorial Association of St. Louis, Mo., the ship's bell, builder's label plate, a record of war services, letters forming ship's name, and silver service of the cruiser *St. Louis* that is now or may be in his custody, was read, considered, ordered to a third reading, read the third time, and passed.

JACKSON D. WISSMAN

The Senate proceeded to consider the bill (H. R. 515) to extend the benefits of the employees' compensation act of September 7, 1916, to Jackson D. Wissman, a former employee of the Government Dairy Farm, Beltsville, Md., which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Jackson D. Wissman, a former employee of the Government Dairy Farm, Beltsville, Md.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read "A bill for the relief of Jackson D. Wissman."

ISSUANCE OF DUPLICATE CHECKS TO STATE OF UTAH

The bill (H. R. 1601) to authorize the Department of Agriculture to issue two duplicate checks in favor of Utah State treasurer where the originals have been lost was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check No. 42772, drawn March 17, 1928, in favor of Utah State treasurer for $1,066.27 and original check No. 42754, drawn March 17, 1928, in favor of Utah State treasurer for $21,848.96 and lost, stolen, or miscarried in the mails.

GERTRUDE LUSTIG

The bill (H. R. 1840) for the relief of Gertrude Lustig was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gertrude Lustig the sum of $1,286.53, being the amount she would have received as pay and allowances as chief nurse, Army Nurse Corps, from September 28, 1918, the date of her unjustifiable dismissal from that position, to May 22, 1919, the date of her restoration to the service.

FRENCH STEAMSHIPS "P. L. M. 4" AND "P. L. M. 7"

The bill (H. R. 2011) to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as a result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7* was read, considered, ordered to a third reading, read the third time, and passed.

MARSHALL STATE BANK

The bill (H. R. 3118) for the relief of the Marshall State Bank was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Marshall State Bank, Marshall, Ill., United States coupon note No. J-1067846 in the denomination of $500 of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922–23, matured May 20, 1923, with interest at the rate of 4¾ per cent per annum from December 15, 1919, to May 20, 1923, inclusive, without presentation of said note or the coupons representing interest thereon from December 15, 1919, to May 20, 1923, the note with the said coupons attached having been lost, stolen, or destroyed: *Provided*, That the said note shall not have been previously presented and paid and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said Marshall State Bank shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said note and the interest payable thereon when the note matured, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed note hereinbefore described, or the coupons belonging thereto.

BESSIE BLAKER

The bill (H. R. 3200) for the relief of Bessie Blaker was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any money in the funds of the Alaska Railroad, the sum of $300 to Bessie Blaker, for loss of four log buildings, with furnishings, located on her homestead about 1 mile south of Fox, Alaska, by fire from sparks of locomotives of the Alaska Railroad, in May, 1927.

ELLEN B. MONAHAN

The bill (H. R. 3257) for the relief of Ellen B. Monahan was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ellen B. Monahan, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, the sum of $1,000 for physical injuries received by her as the result of being overcome by illuminating gas escaping from a pipe (said to have been broken through the negligence of an employee of the Treasury Department) on the 14th day of June, 1911, while she was in the employ of the Government of the United States and in the discharge of her duties as a clerk in the national bank redemption agency office of the Treasury of the United States.

FOREIGN MISSIONARY SOCIETY OF PROTESTANT EPISCOPAL CHURCH

The bill (H. R. 6071) for the relief of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of the funds of the Alaska Railroad, the sum of $2,000 to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States, in full payment for condemnation of four cabins, the property of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States, and which were destroyed during construction of the Alaska Railroad.

MAJ. CHARLES J. FERRIS, UNITED STATES ARMY, RETIRED

The bill (H. R. 8589) for the relief of Charles J. Ferris, major, United States Army, retired, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles J. Ferris, major, United States Army, retired, the sum of $124.12, being the sum expended by him from his personal funds while complying with official orders of the War Department on travel in connection with his duty with the National Guard of Virginia during 1917.

NAVAL AIR STATION, SEATTLE, WASH.

The Senate proceeded to consider the bill (S. 3341) providing for the employment of additional lands for the naval air station at Seattle, Wash., which had been reported from the Committee on Naval Affairs with an amendment, on page 2, line 2, after the word "acquire," to strike out "this tract of land" and insert "these tracts of land at a cost not to exceed $50,000," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to acquire by purchase or condemnation two adjoining tracts of land located at the southeasterly corner of the naval air station reservation at Seattle, Wash.; one tract containing 20.65 acres, and the other tract containing approximately 10 acres, each tract with a frontage of approximately 900 feet on Lake Washington; and there is hereby authorized to be appropriated such sum as may be necessary to acquire these tracts of land at a cost not to exceed $50,000.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT TO FLORIDA FOR DAMAGE TO ROADS

The Senate proceeded to consider the bill (S. 4193) for the relief of the State of Florida for damage to and destruction of roads and bridges by floods in 1928 and 1929, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. FESS. Mr. President, I should like to have an explanation of that bill.

Mr. PHIPPS. Mr. President, I will state that this bill is in line with several other bills which have been passed by Congress for the relief of various States for damage to Federal highways because of floods. The amount carried by the bill is relatively small as compared with the amount carried by other similar bills which have been adopted.

Mr. TRAMMELL. Mr. President, I think Florida is probably the only State that has not had such an adjustment as this bill provides. The State is by all justice entitled to the amount covered by this measure. In fact, it should be for more. I trust the bill will pass.

The VICE PRESIDENT. The amendments will be stated.

The amendments of the Committee on Post Offices and Post Roads were, on page 1, line 5, after the words "sum of," to strike out "$632,532.41" and insert "$134,466.69"; on page 2, line 13, after the word "State," to strike out "and counties thereof have" and insert "as"; and in line 17, after the word "State," to strike out "or county," so as to make the bill read:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $134,466.69 for the relief of the State of Florida, as a reimbursement or contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to the State of Florida through the damage to or destruction of roads and bridges by floods in 1928 and 1929, imposing a public charge against the property of the State beyond its reasonable capacity to bear. Such portion of the sum hereby authorized to be appropriated as will be available for future construction shall be expended by the State highway department, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges of the Federal-aid highway system so damaged or destroyed, in such manner as to give the lagest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture. Any portion of the sum hereby authorized to be appropriated shall become available when the State of Florida shows to the satisfaction of the Secretary of Agriculture that said State has, either before or after the approval of this act, actually expended, or made available for expenditure, for the restoration, including relocation, of roads and bridges so damaged or destroyed, a like sum from State funds. Nothing in this act shall be construed as an acknowledgment of any liability on the part of the United States in connection with the restoration of such roads and bridges: *Provided*, That out of any appropriations made for carrying out the provisions of this act, not to exceed 2½ per cent may be used by the Secretary of Agriculture to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to purchase supplies, material, equipment, and office fixtures and to incur such travel and other expense as he may deem necessary for carrying out the purpose of this act: *Provided further*, That no portion of this appropriation shall be used except on highways and bridges now in the Federal-aid highway system in Florida, or the necessary relocation of such roads and bridges.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY P. BIEHL

The bill (H. R. 1160) for the relief of Henry P. Biehl was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers and sailors Henry P. Biehl, late of the U. S. S. *Frederick*, United States Navy, World War, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

APPOINTMENT OF NAVAL PAY CLERKS

The bill (H. R. 1194) to amend the naval appropriations act for the fiscal year ending June 30, 1916, relative to the appointment of pay clerks and acting pay clerks was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That so much of the act approved March 3, 1915, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes" (38 Stat. L. 942; U. S. C., title 34, sec. 131), as provides: "The title of paymaster's clerk in the United States Navy is hereby changed to pay clerk, and hereafter all pay clerks shall be warranted from acting pay clerks, who shall be appointed from enlisted men of the Navy holding acting or permanent appointments as chief petty officers, who have served at least three years as enlisted men, at least two years of which service must have been on board a cruising vessel of the Navy" is hereby amended to read as follows: "The title of paymaster's clerk in the United States Navy is hereby changed to pay clerk, and hereafter all pay clerks shall be warranted from acting pay clerks, who shall be appointed from enlisted men in the Navy holding acting or permanent appointments as chief petty officers, or appointments as petty officers, first class, who have served at least three years as enlisted men, at least two years of which service must have been on board a cruising vessel of the Navy."

JAMES P. SLOAN

The bill (H. R. 2587) for the relief of James P. Sloan was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be authorized and directed to pay to James P. Sloan gratuity in the amount of $324, on account of the death of his son, Andrew Jarvis Sloan, killed in line of duty on board the U. S. S. *Mississippi* on June 12, 1924: *Provided*, That the said James P. Sloan establish to the satisfaction of the Secretary of the Navy that he was actually dependent upon his son, Andrew Jarvis Sloan, at the time of the latter's death.

AWARD OF HONORS TO MEMBERS ALASKAN AERIAL SURVEY EXPEDITION

The bill (H. R. 3801) waiving the limiting period of two years in Executive Order No. 4576, to enable the Board of Awards of the Navy Department to consider recommendation of the award of the distinguished-flying cross to members of the Alaskan aerial survey expedition, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That that provision of Executive Order No. 4576 of January 28, 1927, prescribing conditions for the award of the distinguished-flying cross authorized by the act of July 2, 1926, which establishes a limiting period of two years from the date of the act or

achievement meriting the award for the initiation of a recommendation for such award, may be waived in the consideration of the existing recommendation of the following personnel of the Alaskan aerial survey expedition of the Navy: Lieut. Wallace M. Dillon; Lieut. Richard F. Whitehead; Lieut. Eugene F. Burkett; Radio Electrician Claude G. Alexander; Chief Aviation Pilot Thomas G. Reid; Patrick A. McDonough, chief photographer; and William J. Murtha, photographer, first class.

GRANT R. KELSEY

The bill (H. R. 5213) for the relief of Grant R. Kelsey, alias Vincent J. Moran, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Grant R. Kelsey, alias Vincent J. Moran, who was a member of Company L, Twenty-seventh Regiment United States Volunteer Infantry, from September 8, 1899, to January 30, 1901; and of Company E, Nineteenth Regiment United States Infantry, from January 2, 1903, to January 5, 1905; and of Company D, Fourteenth Regiment United States Infantry, from January 6, 1905, to January 2, 1906, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a landsman, U. S. S. *Wilmington*, on the 21st day of February, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

UNITED STATES NAVAL OBSERVATORY, WASHINGTON, D. C.

The bill (H. R. 9370) to provide for the modernization of the United States Naval Observatory at Washington, D. C., and for other purposes, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to be expended by the Secretary of the Navy for the following purposes, at a cost not to exceed the amount stated after each item enumerated: United States Naval Observatory, Washington, D. C., purchase and installation of equipment, utilities, and appurtenances for astrographic and research work and modernization of the astronomical plant, $160,000; construction of astrographic laboratory, $65,000; total, $225,000: *Provided*, That the location, plans, and specifications for such buildings shall be approved by the Fine Arts Commission and by the Secretary of the Navy.

JOHN C. WARREN, ALIAS JOHN STEVENS

The bill (H. R. 9975) for the relief of John C. Warren, alias John Stevens, was read, considered, ordered to a third reading, read the third time, and passed.

HOSPITALIZATION OF MEMBERS OF FLEET NAVAL RESERVE, ETC.

The bill (H. R. 10662) providing for hospitalization and medical treatment of transferred members of the Fleet Naval Reserve and the Fleet Marine Corps Reserve in Government hospitals without expense to the reservist was read, considered, ordered to a third reading, read the third time, and passed.

RELIEF OF STATE OF FLORIDA

The bill (S. 1458) for the relief of the State of Florida was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the State of Florida be, and it is hereby, relieved from all responsibility and accountability for certain quartermaster property, to the approximate amount of $1,117.64, the property of the War Department which was lost, damaged, or destroyed in relief work incident to the hurricane of September, 1928, while in the possession of the Florida National Guard. And the Secretary of War is hereby authorized and directed to terminate all further accountability for said property.

DONATION OF TROPHY GUNS

The bill (H. R. 6348) donating trophy guns to Varina Davis Chapter, No. 1980, United Daughters of the Confederacy, Macclenny, Fla., was read, considered, ordered to a third reading, read the third time, and passed.

JOINT RESOLUTION DECLARING JULY 5, 1930, A LEGAL HOLIDAY IN THE DISTRICT

The Senate proceeded to consider the joint resolution (S. J. Res. 184) to declare July 5, 1930, a legal holiday for all banks and trust companies, the officials and employees thereof, in the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments, on page 1, line 4, after the word "holiday," to strike out "for all banks and trust companies, and the officials and employees thereof," and in line 6, after the word "Columbia," to insert "for all purposes: *Provided*, That all employees of the United States Government in the District of Columbia and all employees of the District of Columbia shall be entitled to pay for this holiday the same as on other days," so as to make the joint resolution read:

*Resolved, etc.*, That Saturday, July 5, 1930, be, and the same is hereby, declared a legal holiday in the District of Columbia for all purposes: *Provided*, That all employees of the United States Government in the District of Columbia and all employees of the District of Columbia shall be entitled to pay for this holiday the same as on other days.

Mr. FESS. Mr. President, I do not understand the purpose of this joint resolution. Unless some Senator is prepared to explain it, I shall object to its consideration.

Mr. BLEASE. Mr. President, the joint resolution simply makes July 5 of this year a legal holiday. The Fourth of July is on Friday. This measure makes the 5th, which is Saturday, a legal holiday, and applies only to this year.

There is a precedent for this action. It has been done before. The joint resolution merely gives the employees Friday, Saturday, and Sunday without making a break after the holiday on Friday, going back to work on Saturday, and then having Sunday. This gives the employees three solid days, when they can go off on week-end trips if they desire to do so.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. BARKLEY. This not only applies to Government employees but it enables banks and trust companies also to close on Saturday, which they can not do unless this joint resolution is passed.

Mr. BLEASE. The main purpose of the joint resolution is in behalf of bank clerks and bank officials, because they can not take a holiday on Saturday unless this measure is passed.

The VICE PRESIDENT. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to declare July 5, 1930, a legal holiday in the District of Columbia."

RICHARD KIRCHHOFF

The bill (H. R. 851) for the relief of Richard Kirchhoff was read, considered, ordered to a third reading, read the third time, and passed.

EUGENE A. DUBRULE

The bill (H. R. 1155) for the relief of Eugene A. Dubrule was read, considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL FARM LOAN ACT

The Senate proceeded to consider the bill (S. 4287) to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months, which had been reported from the Committee on Banking and Currency with amendments, on page 1, line 6, after the word "of," to strike out "the first subsection" and insert "paragraph (1)," and in the same line, after the word "adding," to insert "thereafter," so as to make the bill read:

*Be it enacted, etc.*, That section 202 (a) of Title II of the Federal farm loan act, as amended (U. S. C., title 12, ch. 8, sec. 1031), be amended by substituting a semicolon for the period at the end of paragraph (1) thereof and adding thereafter the following new matter: "and to make loans or advances direct to any such organizations, secured by such obligations."

SEC. 2. That section 202 (c) of Title II of the Federal farm loan act, as amended (U. S. C., title 12, ch. 8, sec. 1033), be amended by striking out the words "less than six months nor," so that said section will read as follows:

"Loans, advances, or discounts made under this section shall have a maturity at the time they are made or discounted by the Federal intermediate credit bank of not more than three years. Any Federal intermediate credit bank may in its discretion sell loans or discounts made under this section, with or without its indorsement."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF HOMESTEAD AND DESERT-LAND ENTRY TAXATION ACT

The Senate proceeded to consider the bill (S. 4318) to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, which had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was, on page 3, line 1, after the word "assignee," to strike out "under the provisions of the act of

June 23, 1910, as amended," and to insert "of such entrymen on ceded Indian lands or of an assignee under the provisions of the act of June 23, 1910, as amended, or of any such entries in a Federal reclamation project constructed under said act of June 17, 1902, as supplemented or amended," so as to read:

*Be it enacted, etc.*, That the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, is amended to read as follows: "That the lands of any homestead entryman under the act of June 17, 1902, known as the reclamation act, or any act amendatory thereof or supplementary thereto, and the lands of any entryman on ceded Indian lands within any Indian irrigation project, may, after satisfactory proof of residence, improvement, and cultivation, and acceptance of such proof by the General Land Office, be taxed by the State or political subdivision thereof in which such lands are located in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.

"SEC. 2. The lands of any desert-land entryman located within an irrigation project constructed under the reclamation act and obtaining a water supply from such project, and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located.

SEC. 3. All such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership; but the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all due and unpaid installments on the appraised purchase price of such lands and for all the unpaid charges authorized by law whether accrued or otherwise. The holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee of such entryman on ceded Indian lands or of an assignee under the provisions of the act of June 23, 1910, as amended, or of any such entries in a Federal reclamation project constructed under said act of June 17, 1902, as supplemented or amended.

Mr. JONES. Mr. President, I should like to ask the Senator from Montana what change this will make in the law?

Mr. WALSH of Montana. Mr. President, the situation is this:

Two years ago we passed an act making taxable under the State laws homestead and desert-land entries under the reclamation projects where all requirements of the law had been complied with except the eventual payment of the construction charges, so that they should be taxable for school and road purposes, and so forth. The law at present is applicable only to irrigation projects carried out under the act of 1902, and is not applicable to irrigation projects upon Indian reservations. This is to make the law passed two years ago applicable to projects on Indian reservations.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the words "Sec. 4," to strike out—

If the lands of any such entryman shall at any time revert to the United States, for any reason whatever, all such liens against such lands in favor of the State or political subdivision thereof wherein the lands are located, shall be, and shall be held to have been, thereupon extinguished; and the imposition of any such lien by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien.

And to insert:

If the lands of any such entryman shall at any time revert to the United States for any reason whatever, all such liens or tax titles resulting from assessments levied after the date of this amendatory act upon such lands in favor of the State or political subdivision thereof wherein the lands are located, shall be and shall be held to have been, thereupon extinguished; and the levying of any such assessment by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien or tax title.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WALSH of Montana. Mr. President, the title should be amended so as to read: "A bill to amend the act entitled 'An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act,' approved April 21, 1928, so as to include ceded lands under Indian irrigation projects."

I offer that amendment.

The VICE PRESIDENT. Without objection, the amendment to the title will be agreed to.

## THE PHILIPPINES

Mr. BINGHAM. Mr. President, I ask unanimous consent that an article from the Review of Reviews in regard to the Philippines may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Review of Reviews for August, 1927, p. 154]

"HOLD THE PHILIPPINES!"—SIGNS OF REVOLUTION IN THE DEMOCRATIC RANKS—A SYMPOSIUM OF CURRENT OPINION COLLECTED BY VICENTE VILLAMIN

When the United States took over the Philippines at the close of the war with Spain 28 years ago, there were many who protested that the islands should be free. William Jennings Bryan, then at the height of his power, led a mighty campaign of anti-imperialism under the Democratic banner. Since that time the party has declared consistently for immediate Filipino independence.

That historic Democratic position is now crumbling, as shown in a survey by Vicente Villamin, a Filipino lawyer and publicist. Signed statements given him by prominent Democrats register an overwhelming majority against immediate and absolute independence.

The survey shows that the Democrats consider it unwise and untimely for the Filipinos to lose American protection and that vital American interests and world peace would be placed in jeopardy by the withdrawal of America from the Philippines. In contrast, the party platform favors independence upon the belief that it is to the best interest of America to grant it, the welfare of the Filipinos receiving only incidental consideration.

Gaged by the present survey there is precious little difference, if any, between the Democratic and Republican views. The Philippine question is becoming truly nonpartisan.

The extension of autonomy is the policy pursued in the islands. At present 98 per cent of the personnel of the government are Filipinos. A Filipino can be appointed Governor General under the Jones law, and the entire government Filipinized. The legislature is composed entirely of Filipinos; this body has powers which State legislatures do not possess. Of the six heads of the executive departments only one is American, and in the entire judiciary there are seven Americans. Three-fourths of the United States Army in the Philippines are Filipinos. The Filipinos do not pay for military and political protection and are not subject to the Federal tax laws.

These opinions, a representative selection of those gathered by Mr. Villamin, indicate how far Democratic authorities are straying from the traditional principle of immediate independence.

Robert Lansing (former Secretary of State):

"Because of the present minority of educated people in the Philippines any independent government, though based on the principles of democracy, would necessarily fall into the hands of a few individuals.

"In the past oligarchies have not been conducive to the general welfare of the people, the majority of whom do not possess the intellectual development necessary to conduct a popular government, and there is no evidence that the Philippines would prove to be an exception to the rule. I am therefore opposed to granting independence to the Philippines until it appears that the people of the islands are able to exercise the franchise with intelligence and to understand the meaning of political liberty."

Josephus Daniels (former Secretary of the Navy):

"The Filipinos hailed us in 1898, as the Cubans did, as friends and deliverers from the yoke of Spain. We repaid their confidence by buying them off from Spain at so much a head and by failure to carry out our sacred pledge made to them. The governor named by President Wilson gave it as his opinion that 'by temperament, by experience, by financial ability, in every way, the 10,000,000 Filipinos are entitled to be free from every government except of their own choices.'

"The time to redeem our pledge, given in the preamble of the Jones Act, is now. The Filipinos should be given their independence with a Platt amendment attached so as to aid them and keep them from serious errors in the formative days of their government. The remedy for the errors of democracy is more democracy. We are trustees for the Filipinos. Our obligation is to be fair in administering that self-imposed trust."

Lindley M. Garrison (former Secretary of War):

"The attitude and conduct of the Government of the United States toward the Filipinos have been wholly unselfish and commendable. It has sought the welfare of the people there without any ulterior motive. The easy course would have been to have left the Filipinos to their own devices, which could have had but one result, and that a disastrous one to them. The proper and right course was to undertake the task of preparing them for self-government and protecting them in the meantime. This course is costly and thankless, but was the one upon which we set out and upon which we should continue to the end."

Samuel Untermyer (New York lawyer):

"I went to the Philippines last winter with a strong prejudice in favor of independence, but came away with the conviction that it would be a calamity and equivalent almost to a betrayal.

"Without our protection the Philippines would be open to mass immigration from China, lowering the Filipino standard of living and possibly obliterating the Filipino race; they would become a prey to stronger nations, and we would have to continue our protection unless we could 'cut loose' from them entirely, which we would hardly feel justified in doing; they would lose the bulk of their foreign business by their exclusion from our tariff wall; the maintenance of government, with an army and navy and diplomatic service, would tax them to the utmost; and there would be retrogression in their economic, social, educational, and political development."

William E. Sweet (former Governor of Colorado):

"I was opposed to American occupation of the Philippines, but the history of these islands since the inauguration of American sovereignty has served to convince me that I was wrong.

"I believe that the complete severance of relations between America and the Philippines at this time is extremely unwise. Complete and immediate independence would spell disaster to the Filipinos and the undoing of our work of economic betterment, political improvement, and social amelioration in the Philippines.

"I advocate the expansion of such local autonomy as is compatible with our responsibility and the ability of the Filipinos to use it. The Philippine question is in every respect nonpartisan."

Thomas W. Gregory (former Attorney General):

"We have pledged our honor to give the Philippines independence, and this pledge must be kept. The economic situation of the islands, their geographical location, the imperfect development of the great majority of the inhabitants, and the international situation require American supervision for some years to come, and the time has not arrived when the islands should be granted absolute independence. I say this without regard to the interest of the United States in the problem."

James A. O'Gorman (former Senator from New York):

"The Jones law, for which I voted, gave the Filipino leaders ample opportunity to demonstrate what they could and would do under self-government, but they have not satisfied the reasonable expectations of American well-wishers. And they dealt only with internal affairs, being free from the problems of external relations.

"I am now retired from politics. I view the Philippine question in a nonpartisan and nonpolitical light. In my judgment, independence at this time would not mean more liberty and better government for the Filipinos but curtailed opportunity and arrested development. An independent Philippines could not hope to maintain a national existence amidst the confusions and struggles in the Orient. Neutralization would be futile, a protectorate would not be feasible, a Platt amendment for the Philippines would be impracticable. America's course and conduct in the Philippines have been unselfish, constructive, and enlightened. I see no signs of departure from our position of friend and protector. We have no imperialistic designs. Independence will come eventually, but the time for it has not yet arrived."

THOMAS J. WALSH (a Senator from Montana):

"I felt when I visited the Philippines four years ago that the desire for independence among the Filipinos was largely, if not wholly, sentimental, and nothing has happened since to change that view. This is not said in criticism or opprobrium.

"Only a few Filipinos have reflected, I conceive, on the economic consequences of separation from the United States, and of the few only a small number have made public avowal of their views. The fact that the United States markets are open to Philippine products duty free is vitally important to the well-being of the Filipino people. Its importance is emphasized by the fact that the Philippines are an exporting country, the great bulk of production being exportable surplus. Independence would discard the privilege of free entry to our markets, and that would result in the collapse of the major Philippine industries. It is the patriotic duty of Filipinos to bring to the masses information concerning the economic problems which would be involved in independence."

Thomas F. Gailor (Protestant Episcopal Bishop of Tennessee):

"From interviews with men whom I know and trust I am persuaded that it would work harm to American interests and to the Filipinos themselves if they were given independence at this time. Moreover, I have entire confidence in the wisdom and fairness of Gen. Leonard Wood, Governor General of the Philippines, and am satisfied to be guided by his judgment."

Dan Moody (Governor of Texas):

"It is too early to grant independence to the Philippines. The economic consequences to the Filipinos would be hazardous, and certainly their international status, once independent, would be subject to most troublesome influences. Perhaps eventually independence should be granted, but at this time, or at any time in the near future, it would, in my opinion, prove disastrous."

Robert L. Owen (former Senator from Oklahoma):

"While I favor independence in the future, it must be remembered that absolute independence under existing international law could operate to shut off Philippine products from the United States markets on a free-trade basis, and this is a matter of the utmost importance to the Filipino people."

Lawrence D. Tyson (former Senator from Tennessee):

"I am not in favor of granting independence to the Philippines now. Independence under present circumstances would be a calamity to the Filipinos and would undo the constructive work of America in those islands.

"We are doing everything we can to promote the best interests of the Filipinos. We have been unselfish. Our record in the Philippines is one of which every true American can be proud. The Philippine question is nonpartisan. It seems to me the longer the United States is willing to stay in the Philippines the better it will be for the Filipinos."

Atlee Pomerene (former Senator from Ohio):

"Whatever the United States has done in connection with the Philippines has been for their benefit, not ours. I believe it would be a grave mistake to grant them immediate and absolute independence. The Filipinos have made more progress since they have been under the control of the United States than they did in three centuries of Spanish rule, and, in my judgment, more progress than they would make in a century of independence under present conditions."

Woodbridge N. Ferris (Senator from Michigan):

"From a commercial standpoint, the Filipinos are better off under the rule of the United States. I am not at all sure, however, that the Filipinos are going to learn to stand on their own feet by having their independence suspended in the air. I am sorry that our Government is in any way responsible for the Philippines. I am hoping that the time will soon come when the Filipinos can be granted their full independence. I am not at all sure that the delay is wise."

Hamilton Holt (president Rollins College, Florida):

"Independence under a republican form of government implies capacity for self-government. Therefore, independence is not so much a right as a stage of evolution. I do not regard the Filipinos as ready for self-government and, consequently, as ready for independence. No American party, in my judgment, should set a date for such a consummation."

PAT HARRISON (Senator from Mississippi):

"I have long favored Philippine independence and voted for the Jones law. However, under present circumstances strong economic reasons and the uncertain state of international affairs in the Pacific region make it unwise to grant the Philippines immediate and absolute independence. But I would urge the inauguration of a workable policy of economic readjustment looking to eventual independence. This is a matter, I take it, of the utmost importance to the Filipinos themselves."

EDWIN S. BROUSSARD (Senator from Louisiana):

"I am firmly convinced that there is a strong sentiment among the Filipinos for independence. Naturally, I am opposed to bringing about a situation which could result in their losing their independence and in their forcible absorption by another nation. But this possibility can be safeguarded by agreement of the four nations now parties to the 4-power pact."

ANDREW J. MONTAGUE (Congressman from Virginia):

"I am ardently in favor of granting complete independence to the Filipino people when they reach such stage of perfection in political knowledge and responsibility as will demonstrate their capacity for the administration of free institutions. This time, however, has not yet arrived, but I believe it is approaching such a consummation in the future."

ROYAL S. COPELAND (Senator from New York):

"I do not favor independence for the sake of the Filipinos. Besides, I do not think we can give them independence, for the Constitution does not empower Congress to alienate American territory—which the Philippines are by virtue of the treaty of Paris."

MILLARD E. TYDINGS (Senator from Maryland):

"I do not believe the present or near future is the best time to grant independence to the Philippines. Independence at a time when far eastern affairs are unsettled and before the Filipinos are strong enough to keep it with honor when given would not be playing fair with the people we obligated ourselves to assist."

Hoyt M. Dobbs (Bishop of Alabama):

"Independence is something to be earned, and it can never be bestowed prematurely or given as a free gift. I have every reason to trust the character and ability of General Wood, Governor General, and am sure his recommendation should have most thoughtful and careful consideration."

J. H. Kirkland (chancellor Vanderbilt University, Tennessee):

"The obligation of the United States to the Filipinos is primarily to promote their development—educationally, economically, and politically. I am satisfied that this can be done only by maintaining close political relations with that country. To give the Philippines independence at this time would wreck all the work we have done in the past."

Edward I. Edwards (former Senator from New Jersey):

"I am unequivocally opposed to granting immediate and absolute independence to the Philippines. This attitude is prompted by what I believe to be the best interests of the Filipino people themselves. The United States has moral, political, and economic obligations in connection with the islands which she can not and will not shirk, no matter how vociferously the self-seeking politicians may cry out.

"It would take the islands fully a hundred years to recover from the granting of independence now. Separation from America would mean the mongolization of the islands. It would also mean the exclusion of the Philippines from our tariff wall and therefore the destruction of Philippine industries. Frankly, I can not conceive of Philippine independence in the next 50 years."

Alfred P. Dennis (vice chairman United States Tariff Commission):

"I can state as a lifelong Democrat that in my opinion America stands in loco parentis to the Philippines; that this relationship involves authority and protection as complementary ideas; and that our retirement from the islands at this time would be an act of betrayal, inasmuch as it would immediately expose the Filipinos to bitter internecine strife, with eventual foreign occupation, based on a program for exploiting the islands, at the same time employing them as a military base against the United States in the Pacific."

George Gordon Battle (New York lawyer):

"Independence would mean the sundering of the business ties with America which give life to Philippine industries; widespread poverty among the Filipino masses; confusion in commerce, finance, and government; and the lowering of the Filipinos' standard of living. It would also mean the checking of the educational development now happily going forward in the Islands and the possibility of immigration from China which would be irresistible."

Erwin Craighead (editor emeritus, Mobile Register, Alabama):

"The Philippine question is not one simply of Filipino independence, but one involving many serious international considerations. The Filipino leaders ignore the problem of the relations of their country with the general far eastern situation, but America can not and will not ignore it. For the sake of the Filipinos themselves, of America's position in the Pacific, of world peace, the granting of complete independence to the Philippines should be put off."

WALTER F. GEORGE (Senator from Georgia):

"I do not favor immediate independence."

LEE S. OVERMAN (Senator from North Carolina):

"I am for ultimate but not for immediate independence for economic reasons vital to the Filipinos."

MORRIS SHEPPARD (Senator from Texas):

"I stand on the Democratic platform calling for immediate independence."

DUNCAN U. FLETCHER (Senator from Florida):

"The Filipinos do not seem to know when they are well off—at least some agitators do not. Independence in the future, when they are ready for it, I favor."

COLE. L. BLEASE (Senator from South Carolina):

"To withhold independence would be to make us liars and thieves. I may be mistaken as to the facts."

John G. Richards (Governor of South Carolina):

"The attitude of our Government toward the Philippines is proper."

HUGO L. BLACK (Senator from Alabama):

"If independence is consistent with the best interests of the Filipinos, I favor its granting."

A. Harry Moore (Governor of New Jersey):

"I am convinced that independence at this time would prove most disastrous to the Filipinos."

Robert Neill (president Arkansas Bankers' Association):

"To grant independence now would nullify America's position in the Orient."

Frank F. Fagan (president North Carolina Bankers' Association):

"I think that at this time it would be dangerous, if not disastrous, to give independence to the Philippines."

RETIREMENT OF EMERGENCY OFFICERS OF THE WORLD WAR

Mr. WALSH of Massachusetts. Mr. President, I should like the attention of some member of the Committee on Military Affairs. There is pending before that committee a bill designated as S. 3415 upon which no action has been taken. It is a very important measure, and I should like to inquire whether or not the committee intends to make a report on it during this session.

Let me state briefly that the bill seeks to apply the retirement provisions of the emergency officers' law to a number of veterans of the World War who were in fact emergency officers but who, under regulations of the Army, Navy, and Marine Corps, were actually enrolled as Regular officers of the Army, Navy, and Marine Corps, though their enlistment was solely for the purpose of service during the war. The Veterans' Bureau have approved of these claims, namely, the right to have the benefit of the emergency retirement law; but the Comptroller General is holding up the payment upon this technicality.

A number of bills are pending to give special relief to these individuals. Some of them have already passed the House. Many of them are pending before the Finance Committee and other committees. Unless this general bill is passed, taking care of all these cases, we shall have a series of special bills proposed here for passage.

We ought to get action on this bill during the present session; and I ask whoever is in charge of the conduct of affairs in the Committee on Military Affairs, in the absence of the chairman, to report out that bill, to which everybody agrees, to which the various departments of the Government have agreed, and the lack of which is depriving worthy and deserving citizens of the benefits of a law of which it was intended that they should receive the benefits.

REVISION OF THE TARIFF—CONFERENCE REPORT

Mr. WATSON. Mr. President, 30 minutes were allotted to the calendar. It has been completed; and I think now that we ought to proceed to the consideration of the tariff bill.

If the Chair is ready to proceed with the points of order, I think we ought to take them up now in the order in which they are to be presented; and I shall object, so far as one objection goes, to the consideration of any other business.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

(For report see House proceedings of Monday, April 28, CONGRESSIONAL RECORD, pp. 7833–7842.)

Mr. BARKLEY. Mr. President, I do not wish to take any additional time on the points which I raised yesterday with reference to amendment numbered 327, except to put into the RECORD a statement to which I have already called the attention of the Chair.

In the report of Mr. HAWLEY, for the managers on the part of the House, to the House on the first conference report with reference to the watch schedule, after describing minutely the changed basis and the provisions of the House bill, Mr. HAWLEY makes this statement:

The Senate amendment strikes out the House text and restores the language and rates of existing law. The House recedes with an amendment, using the House bill as a basis, making certain changes in language and certain changes in substance. The principal changes in substance are as follows:

(1) The amendment takes out of the operation of the paragraph all time-keeping and time-measuring mechanisms not designed to be, or such as are not ordinarily, worn on or carried about the person.

That is the exact contention I am making on this paragraph—that it does that. Mr. HAWLEY says so specifically in his report to the House.

The next point to which I desire to call the Chair's attention is amendment numbered 425. I make the point of order that the conferees have exceeded their authority in the change which they made in the language in paragraph 710, on page 132 of the print of the bill, which contains the amendments and their numbers.

Mr. McNARY. Mr. President, I thought that at the conclusion of the session yesterday the Senator was about to address himself to the paragraph appertaining to frozen cherries.

Mr. BARKLEY. I am taking them up in the order in which they appear in the bill; and it happens that cheese comes ahead of cherries.

Mr. McNARY. Very well.

Mr. BARKLEY. The language of the House bill on the subject of cheese is as follows:

Cheese and substitutes therefor, 7 cents per pound, but not less than 35 per cent ad valorem.

The Senate amended that by striking out "7" and inserting "8" cents per pound, and by raising the ad valorem to 42 per cent ad valorem, and then added certain types of cheese made of sheep's milk, and commonly known as "Romano" or "Pecorino," "Romanello, or Kefalotyri, or Vize, and Casseri," 8 cents per pound; Feta White, 5 cents a pound.

All these amendments on the part of the Senate are simply specific names for substitutes for cheese.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BARKLEY. Yes.

Mr. COPELAND. They are not substitutes, but special cheeses.

Mr. BARKLEY. They are special cheeses, but they are substitutes for the ordinary cheese which is understood when the word "cheese" is mentioned.

The conferees have stricken out all of the language inserted by the Senate. They have receded on amendment 424, which leaves the rate at the Senate rate of 8 cents a pound on cheese and all substitutes. They have eliminated specifically the names of all these cheeses designated in the Senate amend-

ment, and the effect is to put a tax of 8 cents per pound on a cheese on which the Senate fixed a 5-cent rate and on which the House fixed a 7-cent rate. My contention is that they had no power to go below 7 cents or above 8 cents in a specific rate per pound, but by their conference report, except on one type of cheese, they have fixed a rate of 8 cents on a cheese on which the House fixed a maximum of 7 cents and the Senate fixed a maximum of 5 cents, and in that regard they have exceeded their authority.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. COPELAND. The Senator remembers my anxiety in regard to these special cheeses, because they are used by great groups of people in my city. The significance of what the conference committee has done as regards feta white, a very cheap cheese, is this: We made the rate 5 cents per pound, and the House rate was 7 cents. Consequently, by the action of the conferees they have entirely defeated the purpose of the Senate, and have placed on that cheese a higher rate than is justified.

Mr. BARKLEY. They have not only defeated the purpose of the Senate, but they have exceeded the rate in the House bill, which was 7 cents. They have substituted 8 cents.

Mr. COPELAND. I fully agree with the Senator.

Mr. BARKLEY. That is all I wish to say on that. The Vice President understands the point, and I am not going to argue it any further.

The next point is amendment 454, pertaining to cherries.

The VICE PRESIDENT. The Chair will ask the Senator from Oregon [Mr. MCNARY] to give his attention.

Mr. BARKLEY Mr. President, under the heading of cherries, at the bottom of page 140 and at the top of page 141, the House bill provided for cherries "In their natural state, or dried, 2 cents a pound." That is all the House said about it, except that under subsection 2 they said "sulphured, or in brine, with stems and pits, 5½ cents per pound; with stems or pits removed, 9½ cents per pound."

Then, in subsection 4, under the heading of "Maraschino, candied, crystallized, or glacé, or prepared or preserved in any manner, 5½ cents per pound and 40 per cent ad valorem."

In the first line of that paragraph the Senate struck out the words "or dried" and inserted the words "or frozen if not sweetened, 2 cents a pound," so that while the House bill provided that cherries in their natural state or dried bore a 2-cent rate, the Senate amendment provided that in their natural state or frozen, if sweetened, they bore a 2-cent rate.

The conferees have stricken out that language inserted in amendment No. 448, and over on page 141, in subsection 4, they have eliminated the words "if sweetened."

A cherry may be prepared or preserved without being frozen, and the mere fact that the words "frozen if sweetened" were added shows that that description has a different meaning from the language "prepared or preserved."

The effect of this conference report is that whereas under either the House or the Senate bill these cherries had to be sweetened if they were frozen before they bore this rate, under the conference committee report the words "if sweetened" are stricken out, and the report makes all cherries which are frozen subject to this tariff. I contend it is beyond the power of the conferees to make all those cherries subject to the tariff, whereas under both the House and the Senate bills only sweetened cherries, if frozen, were to bear that rate.

The Chair understands that point, and I do not wish to say anything more about it unless the Senator from Oregon should advance something which might lead to reply.

Mr. MCNARY. Mr. President, I desire briefly to discuss the matter presented by the able Senator from Kentucky. I have reference to paragraph 737, applying to cherries. In subdivision 1 of that paragraph the word "frozen" was included as descriptive of the preparation through which cherries which carry the 2-cent a pound duty are put.

That was stricken from the bill purposely so that a frozen cherry would bear a higher rate than 2 cents a pound. But the frozen cherry was not forgotten, and it is found in subdivision 4 of that paragraph, where it is included in the words "maraschino, candied, crystallized or glacé, or frozen," with the following significant and descriptive language: "or prepared or preserved in any manner."

Mr. President, the question is a simple one. If the freezing of a cherry is a new process or method, probably it should not be included in this place, but I contend, and I think from a rather intimate knowledge of the cherry industry, that when a cherry is frozen it comes within the language "or prepared or preserved in any manner," and that the method of preserving it is not a new method as understood by the trade and the industry.

The process of freezing a cherry is analagous to the cooking of vegetables for canning purposes. It changes the texture, makes it ready for preservation; indeed, the process of freezing is entirely associated with preservation, and is so classified, and is not a separate and different and new method.

When a cherry is picked from the tree it is then precooled, if it is to be preserved, at a temperature just above freezing, for the purpose of removing moisture and hardening the texture of the flesh, after which it is frozen to a hard and perfect state. That cherry can be preserved indefinitely in that state. It may be shipped across the sea, it may be shipped across the continent; it can be kept from the time it is harvested, in July, and preserved by being placed in sulphur, or being candied or glacé, until a year following.

Consequently the conferees had no other choice, if they wanted to remove this product from one bracket to another, than to include it within that bracket which contained the general language, "if prepared or preserved in any manner."

Consequently, under my theory and from my knowledge of the industry and the methods employed in that industry for the preserving of cherries, it comes within the general language, and therefore the conferees did not in any manner exceed their authority. I can not conceive how any question can arise, because it is not a new process; it is a process associated with the general language of preservation.

Some reference has been made to a case decided, I think in 1927—and I speak largely from memory—by the Court of Customs Appeals. This point was not considered in that case. The question was as to a pitted cherry, changed in form from an unpitted cherry, so as to take it out of the description of "cherries sulphured or in brine." The Court of Customs Appeals held that removing the pit did not change the cherry and was not a process which came within that particular language. I have the decision here, and no one can rest on the decision of the Court of Customs Appeals in this matter, because that case raised an entirely different question.

I appeal to the Chair that in no sense did the conferees exceed their jurisdiction.

The VICE PRESIDENT. Is there any other point of order?

Mr. BARKLEY. Mr. President, I make the point of order that the conferees have exceeded their authority in dealing with Senate amendment 657, in regard to the rayon schedule.

The dutiable context for rayon yarns and filaments, as presented to the conferees, did not authorize them to substitute 45 cents for 40 cents per pound in the proviso to paragraph 1301, in that thereby "filaments of rayon or other synthetic textile, single or grouped," were raised from 40 cents per pound, as provided in the Senate amendment, to 45 cents per pound, without the rate of 45 cents per pound upon such filaments having been expressly provided by the language of either the House bill or Senate amendments and, therefore, not in conference.

I have no further point of order to make.

Mr. HAYDEN. Mr. President, I make the point of order that the committee of conference exceeded its authority in respect to amendments 848 and 849, appearing on pages 257 and 258 of the bill.

The act as it passed the House provided that cattle, sheep, and other domestic animals might be driven across international boundary lines by the owner for temporary pasturage purposes only, and if so driven across might remain eight months without the payment of duty on return.

The Senate struck out that provision and limited the time for the free return of straying livestock to three months. The conference committee inserted this language, "or driven across the northern boundary line by the owner for temporary pasturage purposes only."

That was in amendment 848. In amendment 849 the conferees inserted the words "eight months in the case of the northern boundary line and, in the case of the southern boundary line, within three."

The effect of the action taken by the conference committee is to provide two rules for the payment of import duties on livestock. One rule makes it possible for cattle and other livestock to be returned to the United States free of duty for a period of eight months, while during five months of the same period duties would be collected on the southern boundary. That is in direct contravention of the provision of the Constitution that all duties, imposts, and excises shall be uniform throughout the United States.

Certainly it was not in the minds of either the House or the Senate that there should be one rule applicable to the northern boundary and another rule applicable to the southern boundary. Such a rank injustice was never proposed or debated. The only matter that was in conference was whether or not cattle

and other domestic animals might be driven across the boundary for temporary pasturage purposes, and the further question of how long, if driven across, they might remain without being required to pay the prescribed tariff on return.

It is therefore obvious that the committee of conference in this instance exceeded their authority. As the author of the rule which provides that conferees shall not insert in their report matter not committed to them by either House, a rule adopted while he was a Senator, I trust that the Vice President will by his decision insist upon its strict enforcement.

Mr. SMOOT. Mr. President, as I understand, all the points of order that are to be made have been presented to the Senate. I would like to ask the Senator from Kentucky [Mr. BARKLEY] if that is the fact?

Mr. BARKLEY. I have presented all the points I intend to present. Of course, I do not wish to commit myself as to any action which might be proper on another report of the conference committee.

Mr. SMOOT. What does the Senator mean by "another report"? Does he mean the second report?

Mr. BARKLEY. No; I do not mean the second report. I mean that if the Chair sustains these points of order and the bill goes back to conference, which it would do, I do not wish in any way to commit myself as to what I should do in regard to a second report brought in on these matters.

Mr. SMOOT. Suppose the item is in this report. Do I understand, then, that the Senator wants to reserve the right to make a point of order?

Mr. BARKLEY. No; I say I have no further point of order to make on any subsequent report covering the same articles found in report No. 1, which I have not already made, unless the point would pertain to the particular items about which I have made points. In other words, if there is any item in this report now which is subject to a point of order and to which I have not called attention, I have no intention later, upon the return of the bill again to the Senate, to make a point on that item. I have no doubt that by a searching investigation of this report other items as to which points could be made might be discovered. But I do not intend to avail myself of them.

Mr. SMOOT. That is as I understood it. Then I ask unanimous consent that it be held that all points of order have been made at this time in the consideration of this report.

Mr. SWANSON. I object to that.

Mr. COPELAND. Mr. President, may I ask the Senator from Kentucky whether he brought up the watch item yesterday?

Mr. BARKLEY. Yes; I did.

The VICE PRESIDENT. The Chair is ready to rule if there are no further points of order to be made.

CHEESE

Amendment 424, paragraph 710, page 132.

The rates on cheese as carried in the tariff act are as follows:

*House*

Cheese and substitutes therefor, 7 cents per pound, but not less than 35 per cent ad valorem (this included all cheese and substitutes).

*Senate*

Cheese and substitutes therefor, 8 cents per pound, but not less than 42 per cent ad valorem.

Cheese made from sheep's milk, etc., 8 cents per pound.

Feta white, 5 cents per pound.

*The conference report*

Cheese and substitutes therefor, 8 cents per pound, but not less than 40 per cent ad valorem.

It will be seen from the above that the duty on cheese made from sheep's milk, etc., and feta white, is increased beyond the rates carried in either the House or Senate provisions, therefore this point of order is sustained.

POINTS OF ORDER ON PARAGRAPHS 367 AND 368

Three points of order are made against paragraphs 367 and 368, to the watch and clock schedules of the tariff bill.

*Point No. I*

That the conference substituted the words "all the foregoing designed to be, or such as ordinarily are worn or carried on or about the person" in paragraph 367 (a) for the words "whether or not designed to be worn or carried on or about the person."

It is claimed by the Senator from Kentucky [Mr. BARKLEY] that the changes made would transfer watches not designed to be worn on the person from paragraph 367 to paragraph 368, with resultant rates higher than those applied in either the House bill or the Senate amendment. The Senator from Kentucky exhibited certain watches which he claimed would be so transferred. The following statement of the House managers in the conference report submitted to the House seems to sustain this contention (see p. 56, par. 1):

(1) The amendment takes out of the operation of the paragraph all time-keeping and time-measuring mechanisms not designed to be, or such as are not ordinarily, worn on or carried about the person.

It is contended by the Senator from Utah [Mr. SMOOT] that no transfer of watches results from the change in language for the following reasons:

(1) All commercial watch movements are specifically provided for by name in paragraph 367 of the House bill, the Senate amendment, and the conference report, and are not removed from the operation of the paragraph by any changes in descriptive language, such as "whether or not designed, etc."

(2) All commercial clock movements are specifically provided for by name in paragraph 368 of the House bill, the Senate amendment, and the conference report. These provisions are more specific than the descriptive language in paragraph 367, "time-keeping mechanisms, etc., not designed to be worn on the person, etc." Hence, no movements or mechanisms have been removed from the operation of paragraph 368 at any time. The Chair is in doubt on this point, but inasmuch as the report goes back to conference it would seem that the amendment objected to might well be made more definite and certain.

*Point No. II*

(a) That the conference report eliminated the words "if having any type of stem, rim," and so forth, in paragraph 367 (a).

This point of order is apparently based on the assumption that the conference report transfers certain articles from paragraph 367 to paragraph 368, with resultant higher rates, by reason of the omission of the words "if having any type of stem, rim, or self-winding mechanism."

It seems to the Chair that the removal of words of limitation can not be construed as narrowing the scope of the paragraph.

If it be a watch movement, no transfer has taken place because watch movements are under paragraph 367 both in the House bill and the conference report; if it be a clock movement, the omission of the language has not had the result of making any transfer from paragraph 368 to paragraph 367, for the reason that the language in paragraph 368 of the conference report, namely, "clocks, clock movements," is more specific than the general language in paragraph 367, namely, "time-keeping, etc., mechanisms, etc., if less than 1.77 inches wide."

This point is overruled.

*Point No. III*

That the conference inserted the word "unset" after the word jewels in paragraph 367 (3) (d) and added to paragraph (c) (3) the following:

Each assembly or subassembly (unless dutiable under clause (1) of this paragraph) consisting of two or more parts or pieces of metal or other material joined or fastened together shall be subjected to a duty of 3 cents for each such part or piece of material, except that in the case of jewels the duty shall be 20 cents instead of 3 cents.

The House provision, subsection (d) reads as follows:

Jewels suitable for use in any movement, etc., 10 per cent.

The Senate provision reads:

All jewels for use in the manufacture of watches, etc., 10 per cent.

The conference provides:

Jewels, unset, suitable for use in any movement—

And so forth. The word "unset" does not appear in the measure as it passed the House, or as it passed the Senate, but was added in conference, thereby creating a new classification of jewels.

The point of order is sustained.

CHERRIES

Under the tariff act as it came to the Senate from the House cherries in their natural state carried a duty of 2 cents per pound (par. 737), S. D. 1.

Under Senate amendment 448, cherries, frozen, if not sweetened, were dutiable at 2 cents per pound.

Under the four subdivisions of paragraph 737: In the measure as it came from the House maraschino, candied, and so forth, carried a duty of 5½ cents per pound and 40 per cent ad valorem.

As amended in the Senate, the words "frozen cherries, if sweetened" were added by amendment 454 and the duty increased from 5½ cents per pound and 40 per cent ad valorem to 9½ cents per pound and 40 per cent ad valorem.

In the conference amendment 448 the words "frozen cherries, if not sweetened" were eliminated, and in amendment 454 the words "if sweetened" were omitted. This left frozen cherries, whether sweetened or not, carrying a duty of 9½ cents per pound and 40 per cent ad valorem.

If frozen cherries are to be considered as cherries in their natural state, as is indicated in amendment 448, then the change made in conference would be subject to the point of order; but if frozen cherries are to be considered as coming under clause 4, cherries prepared, and so forth, as is contended by the Senator from Oregon [Mr. McNARY] the change made would not be subject to a point of order. The Chair is in doubt on the question, and as the report goes back to conference on other points raised the question is not passed upon.

LIVESTOCK

Amendments 848 and 849: It seems to the Chair that the conferees exceeded their authority in amendment 849 by separating the boundaries and prescribing different time limits from those carried in either the act as it came from the House or as it passed the Senate.

This point of order is sustained.

RAYON

Amendment No. 657: The Chair has had submitted quite a number of briefs on the rayon amendments and is thoroughly of the opinion, after most careful consideration, that the conferees exceeded their authority in changing the rates in that schedule and sustains this point of order.

The points of order are sustained as indicated.

Mr. SMOOT. Mr. President, I move that the Senate insist upon its amendments, ask a further conference with the House, and that the Chair appoint conferees on the part of the Senate.

Mr. WALSH of Massachusetts. Mr. President, may I say to the Senator from Utah that it is apparent that the matters in controversy are not important items when we think of the bill as a whole. They are important from a legal standpoint and very properly have been made by the Senator from Kentucky [Mr. BARKLEY]. But in view of the situation which we have discussed in the Chamber as to the feeling in the country about the matter of disposing of the bill, may I not urge the Senator to have the conference called together at once, the matters in point considered, and the bill brought back here within an hour or two? Is there any reason why that can not be done?

Mr. SMOOT. The bill will have to go to the House and consent must be granted there for a further conference. I hope the bill will be back here this afternoon. I assure the Senator from Massachusetts that I shall use every endeavor to get the bill back into the Senate at the very earliest moment.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Ohio will state it.

Mr. FESS. Would it not be necessary to have the House act upon the conference report first?

Mr. SMOOT. No; because we disagreed to the amendments of the House and have asked for a conference, and they must agree to the conference. They have discharged their conferees, so we must have a new conference.

Mr. WALSH of Massachusetts. The Senator from Utah will expedite matters to the very limit?

Mr. SMOOT. Yes; to the very limit.

Mr. JOHNSON. Mr. President, may I inquire, in order that we may know how to govern ourselves with respect to other legislation, when the Senator from Utah expects the tariff bill will be back here now?

Mr. SMOOT. If the House can act this afternoon and send the bill back to us so that the conferees can meet promptly, the conferees will meet to-morrow. I am in hopes the House can do that promptly. If the Senate should be in session on Saturday, we could probably report on that day. I am fearful that we will not be able to secure a quorum upon that day, because I understand a good many engagements have been made for the day with the idea that we would not have a session on Saturday. Otherwise we would undoubtedly be ready to report the tariff bill back on Saturday. It will be reported back to the Senate on Monday in any event.

Mr. JOHNSON. May I say to the Senator that the reason for my inquiry is that next upon the agenda, and whether upon the agenda or not the next matter that would be brought before the Senate, if it can be brought before it by a yea-and-nay vote, is the river and harbor bill. I shall insist at the earliest possible moment that that bill be placed before the Senate, of course not to interfere in the slightest degree with the tariff bill. But if there is going to be an interregnum in relation to the report of any short period I would endeavor in that interregnum to bring up the river and harbor bill.

I am giving this notice at this time, Mr. President, because I observed something in the press about a desire to supersede the river and harbor bill, which is upon the agenda and which it has been agreed shall be considered immediately following the tariff bill, with some other business at the instance of some one else. I want the Senate to know that the river and harbor bill will be brought up at the conclusion of the tariff bill and pressed to a speedy conclusion.

Mr. JONES. Mr. President, I want to ask the Senator from California a question. As I understand the situation with reference to the tariff bill, it is going back to conference. I suggest to the Senator from California that immediately the tariff bill is sent back to conference he move to take up the river and harbor bill.

Mr. JOHNSON. Let me say that upon the agenda and now the unfinished business of the Senate is a bill in charge of the Senator from Louisiana [Mr. RANSDELL]. Immediately following the disposition of that measure is one in charge of the Senator from Oregon [Mr. McNARY], which will take but a brief period to consider.

Mr. JONES. I think the Senator's river and harbor bill should take the place of every other measure.

Mr. JOHNSON. I quite agree; but I do not think it would be the appropriate thing, with to-day only at our disposal, to endeavor to displace the two measures.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion was agreed to; and the Vice President appointed as conferees on the part of the Senate Mr. SMOOT, Mr. WATSON, Mr. SHORTRIDGE, Mr. SIMMONS, and Mr. HARRISON.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 9937) to provide for summary prosecution of petty offenses, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 937. An act for the relief of Nellie Hickey; and

H. R. 9806. An act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States.

EXECUTIVE MESSAGES

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

HOUSE BILL REFERRED

The bill (H. R. 9937) to provide for summary prosecution of petty offenses was read twice by its title and referred to the Committee on the Judiciary.

HUNDREDTH ANNIVERSARY OF BIRTH OF E. P. BRADSTREET, SR., OF CINCINNATI, OHIO

Mr. FESS. Mr. President, in the city of Cincinnati there lives a very distinguished alumnus of Yale University, Mr. E. P. Bradstreet, sr., known as "the grand old man of Yale," who is 100 years old to-day. Four years ago he discontinued the practice of law at the age of 96. During the course of the last year he delivered a very interesting and able address on the invention of a new device to aid the deaf to hear.

The Senator from Connecticut [Mr. BINGHAM], whose father was a classmate at Yale of Mr. Bradstreet, has handed me an article, published in the Hartford Courant, giving a comprehensive account of Mr. Bradstreet's life and activities. The article is written under the date line of Cincinnati, Ohio, May 31. It is filled with interesting comments upon this very remarkable 100-year-old citizen, and I ask that the article may be inserted in the RECORD.

There being no objection, the article was ordered to be inserted in the RECORD, as follows:

[From the Hartford (Conn.) Courant, May 31, 1930]

OLDEST YALE GRADUATE AT CENTURY MARK—CINCINNATI TO MAKE CIVIC CELEBRATION OF ONE HUNDREDTH BIRTHDAY OF E. P. BRADSTREET, SR., YALE '53

CINCINNATI, OHIO, May 31.—A full 100 years of usefulness to his fellow men will be rounded out Thursday, June 5, by E. P. Bradstreet, sr., of Cincinnati, when the oldest graduate of Yale and Nestor of the Ohio State bar celebrates his one-hundredth birthday. He was born near Huron, Ohio, in 1830.

Coming to Cincinnati in 1856 after graduating in 1853 from Yale, Mr. Bradstreet taught school in the day for two years and studied out of hours in the law office of a well-known local attorney until admitted to the bar in 1857. He continued his practice of law until four years ago, when, at the age of 96, he conducted his last contested case in court and won it.

MADE ADDRESS LAST WEEK

Early this week he made the principal address at the annual meeting of the League for the Hard of Hearing of Cincinnati, and with strong, clear voice and clearly defined ideas traced the growth of the interest of the people of Cincinnati since the Civil War, through support of humanitarian institutions, in making life more hopeful and livable for their fellow men. He complimented the league for its part in this progress. A newly invented instrument made it possible for the members to hear every word Mr. Bradstreet said.

Such is the mental make-up of this outstanding citizen of the Queen City, who is to be honored by a great public testimonial dinner on his birthday at the Hotel Gibson. Combining in this effort to pay tribute are the Associated Charities, the Cincinnati Gymnasium and Athletic Club, Mayor Russel Wilson, Bishop Boyd Vincent, of the Episcopal Church, the League for the Hard of Hearing, the Home for the Friendless, the Young Men's Bible Society, and the Cincinnati Bar Association.

Mrs. Bradstreet, the patriarch's second wife, who is 30 years his junior and Nestor of the Smith College Club of Greater Cincinnati, will be on the speaking program and will pay a tribute for the family.

BELOVED HUMANITARIAN

Outside of the fame which he has brought to Cincinnati as Yale's oldest living graduate, Mr. Bradstreet is loved because he is known as a lover of his fellow men. He has been often termed a "humanitarian in service" rather than money. He has been generous in his time and interest, where other men gave of their worldly possessions.

Mr. Bradstreet's last child was born when he was 60, and he was confronted with the serious business of continuing in the practice of law in order to lay aside money with which to educate a family of three growing young children at an age when other men were thinking of retiring. This incentive kept him working ceaselessly at his practice past the time when his children were grown up and on their own feet for, once having formed the habit of daily mental and physical activity, he had no relish for dressing gowns and slippers.

LIVES IN THE PRESENT

It is to the presence of his children, born late in his life and of his much younger wife, that has kept this interesting old gentleman alive, mentally and physically, and has given him the zest for living in the present rather than the past. The latter is one of his chief charms. The patriarch has small relish for the presence of people who, if able to converse intelligently at all, prattle uninterestingly about the past.

To Mr. Bradstreet life is still an adventure. Last summer he attended a game between the Cincinnati "Reds" and the Philadelphia National League teams. Next to him was John Heydler, president of the league. They were introduced and immediately a great friendship grew up. Mr. Bradstreet delved into early history of Cincinnati and described the game as it was played in its infancy. He told how the ball park was built on a former ravine now filled, and pointed to the hill a mile distant which had been cut down to provide earth for the fill. Mr. Heydler promised to return and take him to the game if the "Reds" played in Cincinnati on his birthday. Unfortunately the Cincinnati team is on the road, and Mr. Heydler is tied up with business and can not make the trip at this time.

OLD-TIME DEMOCRAT

Mr. Bradstreet is a rabid Democrat of the old school. Champ Clark, former Speaker of the House of Representatives, studied in his law office and was a frequent visitor at the Bradstreet home on his rare trips back to Missouri. Mr. Bradstreet was a stanch supporter of Al Smith and listened with great interest to all the latter's radio speeches.

FOE OF PROHIBITION

The patriarch is a foe of prohibition but a stanch supporter of temperance. Temperance has been the keynote of his entire life, and to it he gives credit, among other things, for his long, happy, and useful life. His aversion to prohibition dates back to his boyhood when, as an orphan, he lived on the farm of a religious fanatic in northern Ohio. So great were the extremes to which these church people went, Mr. Bradstreet states, that they actually whipped their cider barrels for working on Sunday. It might be said at this point that the herb "mother" was placed in these barrels to turn the cider into vinegar. This experience made a profound impression on the little boy and he revolted against the fanatical austerity of this type of churchmanship which, he says, is the same type now backing the prohibition movement.

Mr. Bradstreet was not strong as a young man, and after coming to Cincinnati interested himself in gymnastics and in the formation of the Cincinnati Gymnasium and Athletic Club, of which he was a founder and second president. Up till 70 years of age he was a familiar figure about the gym floor and only gave up apparatus work on advice of his doctor, who was afraid he would fall off and break his bones. After that age he practiced daily with his dumb-bells and now takes a daily 2-mile walk when weather permits.

The patriarch's philosophy of living has much to do with his long life, his friends and family doctor say, for he does the very best he can to meet a situation and then promptly ceases to worry about it. He makes a sharp distinction between what he calls "constructive and destructive worry."

BATTLED WITH COX

He is an ardent booster for the present city manager and small council type of government now in vogue in Cincinnati. For years he was a relentless foe of "Boss" Cox, of this city, when the Democrats held sway locally. Boss and attorney had one another's strengths and weaknesses well gaged and never broke their word with one another. Early in Cox's career the control of the local city government gradually changed hands and the Republicans were in a small majority.

So great is Mr. Bradstreet's antipathy toward Cox that he refuses to enter the beautiful Cox Memorial Theater erected by the latter's widow to perpetuate Cox's name in Cincinnati.

For years Mr. Bradstreet viewed with increasing disgust the corruption of Cincinnati under "boss" rule and advised his son to settle in another city. With the revolt of the better grade of citizens under former Mayor Murray Seasongood, the setting up of the new form of government and the retaining of Col. C. O. Sherrill as city manager, Mr. Bradstreet's joy knew no bounds.

One of the first calls Colonel Sherrill made when he got his bearings was upon Mr. Bradstreet and many letters of congratulation and replies of thanks for the former were exchanged between the two before Sherrill resigned a short time ago to enter business.

CITY TO CELEBRATE BIRTHDAY

To recount the interesting things about this unusual citizen of Cincinnati is to write a good-sized book. The facts given here are just a few of the reasons why he is news in Cincinnati, whatever he does and why the citizens of this city are making a great civic celebration of his one hundredth birthday Thursday night. He will send his greetings to the Yale men of the United States over station WLW at 6.30 p. m. just before the birthday dinner.

Beloved, revered, honored—Cincinnati's famous centenarian is looking forward with happy heart to Thursday as though it was just another milestone to pass, rather than the 100-year mark.

Surrounded by his wife, three children, and 2-months-old granddaughter, he finds life sweet and happy and people kind. He knows that his days are numbered, but he smilingly says that he has cheated death so long now that he enjoys it. Such is E. P. Bradstreet, sr., Yale's oldest graduate.

THE LONDON NAVAL TREATY

Mr. ALLEN. Mr. President, as evidence of the vigilance with which the deliberations of this body are being followed throughout the country, I wish to have read into the RECORD a letter from that ever-watchful organization of Atchison, Kans., the Anti-Horse-Thief Association, upon the London naval treaty.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent that the article referred to may be read. In the absence of objection, the Secretary will read, as requested.

The legislative clerk read as follows:

ATCHISON, KANS., *June 2, 1930.*

DEAR SENATOR: At our regular meeting of the Protective Association (better known as our Anti-Horse-Thief Association) I was selected to write you in regard to the London treaty. First, we severely condemn any treaty that does not specifically provide for the freedom of the seas. Second, we resent having to take third place as we don't have to even play second fiddle to any country. And third, we see the danger of those far eastern countries uniting at any time against us, and as American citizens we demand the right to build submarines to protect our shores from invasion by enemy subs.

To our sad grief we had the experience in the World War of being unprepared and had to depend on England to bring our soldiers and provisions, and while we went in to save England, yet she robbed us in her charges in bringing our boys over to fight for her. Don't depend on any country but our own, and protect us.

We voters of Kansas are not sending Senators to Washington to look after the administration, but to protect our shore and our people. This is the sentiment of the Central Protective Association of Kansas, and we are keeping a watch on the results.

Respectfully,

W. C. HAYES,
*R. F. D. 5, Atchison, Kans.*

THE MERCHANT MARINE

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928.

MUNICIPALLY OWNED POWER PLANT OF TACOMA, WASH.

Mr. NORRIS. Mr. President, in Public Ownership for May, 1930, there is an article by Homer T. Bone, entitled "The Light and Power of Tacoma." I wish Senators interested in the power question, especially those who are conferees on the

part of the Senate or members of the conference committee on the part of the House of Representatives on the Muscle Shoals joint resolution, would read this article, which I ask unanimous consent to have printed as part of my remarks in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

(The article referred to appears following the remarks of Mr. NORRIS as Exhibit A.)

Mr. NORRIS. I want to call particular attention to a few of the statements in this article. I am personally acquainted with Mr. Bone. I know of his work. I have visited the power sites to which he refers in the article and have for quite a number of years kept myself partially, at least, familiar with the operations of the electric light and power development controlled by the city of Tacoma, in the State of Washington. It is one of the greatest of its kind in the world—not so large, of course, as are some others—but it is a most striking demonstration of what can be done by the proper control and management of the development and distribution of electric energy.

The city of Tacoma as a municipality has been distributing its own electricity for 36 years. For quite a number of years it bought electric current of private companies and sold it to its citizens, but in 1908 there began an agitation for a municipally owned generating plant. From that time the city of Tacoma proceeded to develop electric energy, and it has increased its facilities constantly.

Its domestic rate goes down as low as 1 cent per kilowatt-hour. Many of the homes are heated by electricity. For instance, this writer says that his home in the month of December, 1928, consumed 2,249 kilowatt-hours of electricity. That is a very large amount of electricity. As a rule, in the average home, the consumption of electric current for lighting purposes, where the rates are high and the system is owned and operated by the trust, does not exceed 40 or 50 kilowatt-hours in a month, and even that is higher even than the average. The writer of the article, however, heated his house by electricity; all the cooking in his home was done by electricity, as well as all the laundry work, all the sweeping, and his house was also lighted by electricity. The charge for all those services for the winter month of December, 1928, was but $16.55.

If he had lived in the great city of Chicago, the home of Mr. Insull, the advocate of blessed private initiative, who sways and controls the destinies of the people there, and consumed the same amount of electricity, he would have been compelled to have paid $98.97. I want the conferees on the Muscle Shoals joint resolution to think of that.

This municipal plant in the city of Tacoma in 1929 made a net profit of $700,000 and furnished to the people of Tacoma for domestic and commercial purposes electric current at an average rate of a little over 1 cent a kilowatt-hour. That is not all. The plant set aside an adequate amount for depreciation; it paid all maintenance charges and interest on its bonds—which are being reduced every year, so that the plant will soon be out of debt—and paid to the city of Tacoma in lieu of taxes $151,304.57. Let the tax experts of the Senate put that in their pipes and smoke it. They have told us much to the effect that publicly owned municipal plants do not pay taxes, but the municipally owned plant in Tacoma paid 7 per cent of its income in lieu of taxes, which is more than a private company would have paid on the same amount of property, at the same time supplying electricity, commencing at a rate of 4½ cents and going down to less than 1 cent, making a profit, as I have said, in addition of $700,000, and setting aside a sufficient amount for depreciation to keep the plant and other property in 100 per cent perfect condition.

Let me say a word or two now about the rates charged by that municipally owned plant. The domestic lighting rate begins at 4½ cents per kilowatt-hour and drops to 1 cent per kilowatt-hour. The small home gets the 1-cent rate after using 20 kilowatts of current, while the larger homes must use more current at the 4½-cent rate before getting the 1-cent rate.

Let me refer now to the rates for power. Power rates are always more or less technical, and it is difficult for the average person to figure them out. I am going to give the results of such figuring. The power rates are in two classes: First, where the number of kilowatt-hours is equal to or less than seventy times the load measure in kilowatts; second, any remaining kilowatt-hours after subtracting a number equal to seventy times the load measure in kilowatts. Following that rule here is the result obtained: Under schedule 1 for the first 500 kilowatts, 2 cents per kilowatt-hour; excess, 1 cent per kilowatt-hour. Under schedule 2, for the first 20,000 kilowatt-hours, one-half cent per kilowatt-hour; excess, 0.3 of 1 cent per kilowatt-hour. That is for power. The first charge is one-half per cent per kilowatt-hour, and after 20,000 kilowatt-hours have been consumed the excess over 20,000 costs only 0.3 of 1 cent a kilowatt-hour.

I have not these figures before me; but the other day I put into the RECORD an actual bill charged by the Alabama Power Co. at Florence, Ala., to the Alabama Wagon Works, showing that the bill for the particular month for which it was rendered was, as I remember, about $322 and some cents; and I put into the RECORD the same bill figured under the rates of the Tacoma municipal plant, showing what the same corporation would have had to pay if they had been located in Tacoma, Wash., instead of Florence, Ala.; and the rate would have been, as I remember now, less than half what they had to pay. They would have saved in that one month somewhere between $150 and $200; and they are located at Florence, Ala., within sight of Dam No. 2, Muscle Shoals, where the Alabama Power Co. is buying the juice from the Government at 2 mills a kilowatt-hour.

What could be done at Florence, Ala., and all the great South within transmission distance if they would do there what they are doing in Tacoma—running for service and not for the exorbitant profits that they get.

Now I come to the commercial rate. We have had the domestic rate and the power rate. The next thing is the commercial rate in Tacoma charged to the stores, and so forth.

The commercial rate commences at 3½ cents and runs down to one-half cent per kilowatt-hour, where the load goes over 2,500 kilowatt-hours per month. There is a minimum charge of 75 cents per horsepower, or $1 per kilowatt of maximum demand, except where the voltage is greater than 500 volts, or where the service is what is known as an emergency or breakdown service, where the minimum charge is fixed by the commissioner. Contracts for blocks of power greater than 1,000 kilowatts, or for any special length of time, will be negotiated individually.

We have always talked about the farmers. Everybody pretends to be a friend to the farmers; and there is no man who has tried to do much of anything with Muscle Shoals but who has pretended, somewhere or other in his argument, that he was going to help the dear farmer. Those who are opposing the Senate joint resolution for the management of Muscle Shoals say that we are not considering the farmer. The farmer, they say, is not interested in power. He is not interested in low rates.

Let us see what the farmers around Tacoma get:

The story of Tacoma's marvelous success in the power field would lose some of its interest—

Says Mr. Bone—

if I failed to set forth briefly some of the wonderful things it has done for the farmers of Pierce County (of which Tacoma is the county seat).

They have had an awful fight in the State of Washington against the Power Trust. They are there now, 100 per cent. They have tried to interfere in every way with the development of cheap electricity by municipalities. They have been sufficiently powerful to handle the legislature of that State so as to prevent these municipalities from extending their lines beyond their own limits. Nevertheless, the writer says that the farmers in that county got together and formed 11 companies under a law permitting the formation of nonprofit, nonstock membership corporations—just the kind of corporations that are provided for in the Senate joint resolution with regard to Muscle Shoals for the farmers of Alabama and other Southern States—

and then came to the city and announced that they were ready to go into the power business for themselves. The city agreed to give them power and send its engineers (without charge to the farmers) to instruct them how to erect their little power-transmission lines so as to avoid blunders. It sold them electrical equipment at wholesale from its warehouses. It allowed them to connect their little power systems to the city lines wherever they could be best tied on. At one place on the highway to the Nisqually power plant the city permitted the farmers to string their little lines on small cross arms under the high-tension lines of the city, saving the cost of a pole line. In every way the city did its utmost to help.

To-day these farmer lines spread over Pierce County like a great spider web, serving between 2,500 and 3,000 farm homes with the cheap power from the Tacoma municipal system.

Now, let us see what they have to pay. What do these farmers pay?

On the first 20 kilowatts they pay 5 cents per kilowatt-hour. That is cheaper than the Alabama Power Co. would give electricity to a city of 100,000 people. All over 20 kilowatts pays 1 cent a kilowatt-hour. That is what the farmers get when they are in the vicinity of a municipal plant where they are serving the people rather than trying to spread out over the

country with a great network of false information to prevent the development for the benefit of the people of cheap electricity from the streams and rivers of our country, owned by the people. The private companies must make enough profit to carry on this nation-wide propaganda by which they steal into the back doors of the schools, the lodges, the churches, the homes, and the business places of the United States to deceive the people and give them false information in regard to what can be accomplished if we do get Muscle Shoals—what they have already done in Tacoma, Wash.

EXHIBIT A

[From Public Ownership for May, 1930, p. 91]

THE LIGHT AND POWER OF TACOMA—PROGRESSIVE WASHINGTON CITY SHOWS WHAT PUBLIC OWNERSHIP CAN DO FOR THE PEOPLE—LOWEST RATES IN THE COUNTRY—FINEST POWER SYSTEM IN THE WORLD

By Homer T. Bone

The city of Tacoma, Wash., gives to its people the cheapest light and power rate in the United States. And this outstanding service is possible through public ownership of one of the finest power systems in the world. Tacoma is the second city of the State. It has a population (estimated) of 125,000. Its harbor is not only the best on Puget Sound, but is one of the finest in the world. The ocean-borne traffic passing through Tacoma is enormous. One of the finest publicly owned ocean terminal systems in the country is located in Tacoma. Its large shipments of lumber have given the city the title "Lumber Capital of America."

MUNICIPAL OWNERSHIP SINCE 1893—36 YEARS

The outstanding achievement of the city of Tacoma is its fine municipal light and power system. The city has been in this business since 1893, when it acquired the plant of a private company. Since that time the growth of the system has been steady and profitable. Rates were reduced in the year following the acquisition of the system. Finding its dynamo capacity insufficient the city negotiated a contract with a private street-railway company for additional power, and made a contract in September, 1897, for power at a rate running from 1.05 to 1.75 cents per kilowatt-hour. In 1902 this contract was renewed with another private company at $0.087 per kilowatt-hour for a term of five years. At the end of this period another contract, covering an additional five years, was made at 1.5 cents per kilowatt-hour.

BITTER OPPOSITION—AS USUAL

In 1908 the people of Tacoma decided to cut loose from private sources of power and build a hydroelectric plant on the Nisqually River some 33 miles from the city. The suggestion met with a bitter campaign of opposition, and for months the friends of the proposal were assailed as enemies of the city, and intimations were freely made that these friends of the municipal power plant were trying to graft the public. Tacomans were solemnly assured that within a few years they would be glad to sell the Nisqually "white elephant" for 30 cents on the dollar.

"Eminent engineers" (whose connections were never clearly disclosed) filled the newspapers with doleful stories about the certain failure of this hydro project. The voters disregarded such statements and built a 32,000-horsepower hydro plant on the Nisqually River, at a cost of $2,000,000. Net profits from the Tacoma power system were sufficient not only to justify a prompt reduction in rates, but also to retire all of the bonds against this power project in about 12 years. The light rate was lowered, so that every family got some of its current at 1 cent per kilowatt-hour. Increased consumption rapidly wiped out the loss of revenues from these decreased rates.

DEVELOPING A 200,000-HORSEPOWER SYSTEM

In 1917 the city first investigated the present Lake Cushman power site. It lies in the Olympic Mountains, some 44 miles by air line from the city. It was selected and the site purchased and condemned at a cost of $300,000. The storage basin is from 1 to 3 miles wide and 10 miles long, and impounds 450,000 acre-feet of water. A great dam, 275 feet high, was constructed across a narrow rock canyon, backing up the water of the Skokomish River, forming the power basin. A 50,000-horsepower plant was built at the foot of the dam. This is called the first unit of the Cushman plant and was finished in 1926. Just below this power house another diversion dam is being built, which will divert the water of the river below the first unit into a 2-mile tunnel, where these waters emerge at the top of a high bluff, where they will be dropped 475 feet into a power house, called the second unit, where the city is now installing 75,000 horsepower of generation. Later on the city will add another 37,500 horsepower to this second unit, making a total of 162,500 horsepower in the Cushman development. The present development of 125,000 horsepower will be sufficient to carry the city for several years. The additional unit of 37,500 horsepower will not be installed until the waters of the south fork of the Skokomish River are diverted into Lake Cushman by a tunnel through the mountains, which will greatly increase the storage capacity of the basin.

DOUBLING ITS STAND-BY STEAM CAPACITY

It was claimed by critics that the vast Cushman Basin could never be filled. On November 3, 1927, the basin had filled and water was running over the safety spillway. It was not until the fearful and unprecedented drought of the summer and fall of 1929, which hit the entire Pacific coast, that the Cushman Basin failed to store water in sufficient quantities to carry its load. This condition was unparalleled in 50 years of weather reports, and probably will never happen again. However, to meet such a contingency Tacoma is now engaged in building a second steam unit, and when this is completed the city will own steam stand-by plants capable of delivering over 40,000 horsepower in addition to its three hydropower plants. When the additions to Tacoma's power system, now under construction, are completed, Tacoma will have steam and hydro plants capable of delivering nearly 200,000 horsepower of energy.

RECENT POWER SHORTAGE ONLY 10 PER CENT FOR NINE DAYS

As an interesting sidelight on the recent power shortage in the Northwest, it may be observed that the private company serving the neighboring city of Vancouver, British Columbia, darkened the streets, cut street-railway service, and heavily curtailed the use of electric current. The private power company serving the western section of Washington tied on the big Government Navy steam plant at the Bremerton Navy Yard, and a large number of big sawmills with generating plants, to enable it to squeeze through, and it called on its power customers to shift loads during the crisis.

The power shortage in Tacoma actually amounted to less than 10 per cent of the average use, for some nine days. The restrictions on use were not arbitrarily enforced against the people of Tacoma, but such restrictions in use as occurred, were purely voluntary on the part of the people of this city.

The total gross revenues of the Tacoma municipal light system in 1929 were $2,271,452.32. Under the city charter, the light department paid 7 per cent of these receipts into the city treasury general fund to aid the taxpayers. This contribution (in lieu of taxes—public plants being tax free) amounted to $151,304.57—a big contribution when considered in the light of the fact that the Tacoma system gives our people the cheapest light and power rates in the Nation. In 1920, this contribution to the taxpayers was raised to 7½ per cent of the gross receipts.

1 CENT A KILOWATT-HOUR—DOMESTIC RATE

In December, 1928, the writer consumed 2,249 kilowatt-hours of current in his home. It cost $16.55. Compare this charge with the charge for similar service in any city served exclusively by a private power company. (In Chicago, where Sam Insull and private ownership rule supreme, no one would ever dream of using 2,249 kilowatt-hours of electricity in a home in a single month. But if they did it would cost $98.97, or over five times as much in a city 30 times as large as Tacoma.) In Tacoma, the home owner may freely enjoy all sorts of accessories, ranges, electric-water heaters and other electric equipment, at a cost which makes their use cheap and desirable. It is doubtful if there is a city in the country of the same population with so many electric ranges in use. The rate structure so arranged that the current cost for ranges is 1 cent per kilowatt-hour for practically all current used.

NET PROFITS $700,000 IN 1929

In 1928, the city sold and billed 171,683,751 kilowatt-hours of current to consumers. During 1929 the city sold and billed to consumers 227,714,666 kilowatt-hours. It will be observed that the increased consumption of current in 1929 was more than 25 per cent over the amount consumed in 1928. One will probably look in vain for a city showing such an enormous increase of consumption in one year. This consumption represents all schedules combined. In 1929 the city received for this current $2,271,452.32, which means that for all current sold, the city received just a trifle over 1 cent per kilowatt-hour. Even with the acute power shortage during a brief period in the fall of 1929, which cost the city a large sum of money, the net profits for 1929 were over $700,000.

The gross receipts of the water department for 1929 were $808,598.87. No gross-earnings tax was imposed that year on the water system, due to certain concessions on water-hydrant rentals, but it is expected that the water department will pay 7 per cent of its gross receipts into the general fund next year.

It may interest your readers to learn that both the light and water utilities in Tacoma are operated as separate business enterprises, and the city purchases water and light from its own utilities the same as it would from a private enterprise.

AN $11,000,000 PROJECT—$88 PER HORSEPOWER

The total cost of the two units of the Lake Cushman power system (unit No. 2 now under construction) is $11,000,000. This is approximately $88 per horsepower, based on the present installation of 125,000 horsepower generation. When the south fork of the Skokomish River is diverted into the Cushman Basin, and the additional 27,500 horsepower of generation is installed in the second unit at an additional cost of approximately $2,000,000, the final and complete power system at Cushman will develop 162,500 horsepower at an approximate cost of

$80 per horsepower. (This is a remarkably low cost of installation. Yet it is claimed that when all of the units of this system are completed the cost per horsepower will be as low as $45. Contrast this with the capital debt of one of the largest of the private power companies in the Northwest which is said to represent over $475 per horsepower.) It is doubtful if any private concern in the country can show a cost account like this. When it is borne in mind that this capital debt will be retired in large annual installments until the entire cost is all paid, the significance of this sort of sane and sound financing becomes apparent to any thoughtful person. In a comparatively few years, Tacoma will own this magnificent system, without a dollar of debt against it.

The entire cost of the Cushman plant was not borne by the sale of utility bonds—bonds payable solely from revenues and not a lien on the plant. A portion of the cost came directly out of current revenues to the extent of $3,150,000. At the present moment, there is outstanding $5,685,000 in utility bonds. This debt, which will rapidly diminish, is against a magnificent power system, with a book value of over $20,000,000 and which in the hands of a private power company would have a rate-making value of over $30,000,000. These bonds are all serial in form, and will be retired in large annual installments. The last issue of utility bonds (sold in the midst of the power shortage) were grabbed up by bond buyers at 4¾ per cent. These buyers have a very wholesome respect for the splendid financial standing of the Tacoma municipal system. These bond issues are backed solely by the earnings of the system.

REACHING OUT FOR MORE POWER

The enormous increase of consumption due in large part to these cheap rates, is forcing the city to reach out for more sources of power to meet the future demands on the system. A short time ago the city filed on what is called the Packwood Lake power site, in the Cascade Mountains, about 75 miles from the city. This site will produce about 60,000 horsepower with a water head of 1,800 feet. The city also plans to further develop the Nisqually River power site (on which its first small 32,000 horsepower plant was built) by building a huge dam across the river and creating a large lake that will produce 300,000 horsepower of electric energy. Both the Packwood and greater Nisqually projects will follow the present expansion of the Lake Cushman development. It thus appears that Tacoma has under its control and expects to develop in the future sources of electric energy in excess of 500,000 horsepower. And this will be the property of the people and a never-ending source of the cheapest power in the Nation. Tacoma is showing the country what a city can do for its own people.

Under municipal ownership in Tacoma rates already the lowest in the country are going down because the indebtedness is being paid off. Private companies never retire their capital accounts but by devious and subtle methods increase them and thus inflate their rate base and keep rates up. There is no escape from the resulting perpetual burden under private ownership.

OPERATING COSTS THE LOWEST—CITY PAYS UNION WAGES

The operating costs of the Tacoma light system are lower than those of its private competitors in this State. It does not carry in this account the inevitable political contributions so necessary to the program of the private combines. And it pays union scales of wages to its men, which, incidentally, are considerably higher than those paid by its private opponent in this section of the State. The city enjoys a complete monopoly of all lighting business and a practical monopoly of all the industrial power business within the city. The city charter excludes competition in the lighting field, and the one private competitor in the industrial power field has been denied a renewal of its franchise, which expires in June, 1930. It now has about 30 customers.

The diversion of funds from the light system will be interesting to your readers. In 1927 the city expended light funds as follows:

*Distribution of the light department dollar in 1929 (Tacoma, Wash.)*

| | Per cent |
|---|---|
| Interest on bonded debt | 8.2 |
| Depreciation (including extensions and betterments) | 18.2 |
| Redemption of utility bonds | 11.5 |
| Expended on Cushman project | 17.5 |
| General expenses | 37.6 |
| Taxes paid to city | 7.0 |
| Total | 100.0 |

Of the item of 18.2 per cent for depreciation, 14.5 per cent was carried into the depreciation account and 3.7 per cent expended through the "extension and betterments" account, but in actual practice, the city uses its depreciation account to keep the system in 100 per cent operating efficiency, so that the whole of the 18.2 per cent was used for this purpose.

You will note the liberal use of "current revenues" to build the Cushman plant. This eliminates the necessity of bonds to the extent that revenues can be diverted for building purposes.

LOWEST RATES IN THE NATION

The domestic-light rate begins at 4½ cents and drops to 1 cent per kilowatt-hour. A small home gets the 1-cent rate after using 20 kilowatt-hours of current. The larger the home, the more it must use at 4½ cents before getting the 1-cent rate. Floor space is measured to apply this primary 4½-cent rate. This means that practically every home in Tacoma can use most of the current on the 1-cent rate. Hundreds of homes have a heating rate of one-half cent per kilowatt-hour, and there are apartments in Tacoma heated exclusively by electricity, with no chimney.

The commercial power rate is in accordance with the quantity used in any one month, as measured in kilowatt-hours. For the purpose of computing the bill, the number of kilowatt-hours of electric current is divided into two portions:

(1) The number of kilowatt-hours equal to or less than seventy times the load measured in kilowatts.

(2) Any remaining kilowatt-hours after subtracting a number equal to seventy times the load measured in kilowatts.

The first portion shall be charged in accordance to Schedule No. 1 below, and the second portion according to Schedule No. 2 below:

Schedule No. 1: First 5,000 kilowatt-hours 2 cents per kilowatt-hour. Excess, 1 cent per kilowatt-hour.

Schedule No. 2: First 20,000 kilowatt-hours, one-half cent per kilowatt-hour. Excess, 0.3 of 1 cent per kilowatt-hour.

Tacoma has owned and operated its municipal light and power system for 36 years. It is now valued at $20,000,000; is being extended into a 200,000-horsepower capacity, including both steam and hydro plants; is paying for itself out of surplus earnings; contributing $151,304 per year to general city funds and earning $700,000 profits per year, all with the lowest rates in the United States.

There is a minimum charge of 75 cents per horsepower, or $1 per kilowatt of maximum demand, except where the voltage is greater than 500 volts or where the service is what is known as an emergency or breakdown service, where the minimum charge is fixed by the commissioner. Contracts for blocks of power greater than 1,000 kilowatts, or for any special length of time, will be negotiated individually, with the approval of the city council. The charter allows the city council to make power contracts extending for 10 years.

The commercial lighting rate runs from 3½ cents down to one-half cent per kilowatt-hour where the load goes over 2,500 kilowatt-hours per month. The charge for this service is slightly increased where the city furnishes fixtures, lamps, and renewal service. Churches and fraternal organizations receive the same rate as dwellings.

THE CITY RETIRES ITS DEBT—COMPANIES DO NOT

Underlying the principle of public ownership is the sane and healthy practice of retiring any debt against the plant in large yearly installments. The present debt of the Tacoma light department ($5,685,000) is wholly due to very recent expansions in connection with the new Cushman development. This debt will disappear in a very few years. Prior to the issuance of these bonds the light department was entirely free from debt. This practice should be contrasted with that of private companies, which never retire their stock and bond issues. If a bond issue is retired it is generally by a refunding process which leaves the debt intact, with the usual costs incident to such a transaction. Stocks and bonds of private power companies constitute a perpetual debt upon which the public must forever pay interest and dividends.

NO RELIEF UNDER PRIVATE OWNERSHIP

Systems of private financing do not permit of any relief from this burden. The defects are inherent in the system of private financing. Under systems of public regulation where a "rate base" is determined by State regulatory bodies, there is always a struggle, which is political in character, to inflate this rate base out of all true proportion to legitimate investments. This has been proven times without number in the now celebrated "reproduction cost" cases before the courts. By injecting fictitious values into a "rate base" these companies escape the charge of watering their stock, for by this process of law they are permitted to water a rate base, which is infinitely more clever. The tragic part of the story is that this is accomplished under forms of law.

MERGERS AND MONOPOLY MEAN PERPETUAL BURDENS

All over the country gigantic power concerns are merging into huge trusts, occupying vast areas of territory. Every one of these mergers calls for a readjustment of the financial structures of the companies, which means new and added values on which the public must forever pay interest and dividends. Systems of public regulation of these private companies generally exclude competition (through so-called certificate of necessity laws), thereby creating a soulless monopoly. Thoughtful people will contrast this form of perpetuating burdens on the people with the wholesome system used in Tacoma, where plant expansions are financed with utility bonds which are paid off within a few years from plant earnings, which ultimately result in the plant becoming the absolute property of the people without a dollar of capital investment therein. Under such a system there remains nothing but operating expenses to pay and a proper reserve for depreciation. The system is simple, sane, and satisfactory, and has been proven to be such by a lifetime of experience. No careful lawyer will challenge the feasibility and safety of such a set-up.

Under systems of public regulation, if a private power company does not make what it considers an adequate return on its rate base, all that it needs to do is to raise its rates. Its return on this valuation for rate-making purposes is practically guaranteed by law. In this "re-

turn" the company may include all of its operating expenses in which are incorporated contributions for political purposes. The people are thus placed in the position of being compelled, involuntarily, to contribute to the political manipulation of the private companies which is aimed at maintaining the highest rate that can be imposed under the law.

THREE TOWNS AND FARMERS GET LOWEST-COST CURRENT IN THE COUNTRY

The story of Tacoma's marvelous success in the power field would lose some of its interest if I failed to set forth briefly some of the wonderful things it has done for the farmers of Pierce County (of which Tacoma is the county seat). When the Nisqually hydroelectric plant was finished, farmers for miles around Tacoma wanted this cheap power. How to get it was the problem, but the farmers solved it. They got together and formed 11 companies under a law permitting the formation of nonprofit, nonstock, membership corporations, and then came to the city and announced that they were ready to go into the power business for themselves. The city agreed to give them power, and sent its engineers (without charge to the farmers) to instruct them how to erect their little power transmission lines so as to avoid blunders. It sold them electrical equipment at wholesale from its warehouses. It allowed them to connect their little power systems to the city lines wherever they could be best tied on. At one place on the highway to the Nisqually power plant the city permitted the farmers to string their little lines on small cross arms under the high-tension lines of the city, saving the cost of a pole line. In every way the city did its utmost to help.

A GOOD SAMARITAN TO THE FARMER

To-day these farmer lines spread over Pierce County like a great spider web, serving between 2,500 and 3,000 farm homes with the cheap power from the Tacoma municipal system. These "baby" farmer lines—quaint little distribution systems, erected by the farmers themselves in many instances—were built at a cost running from $500 to $800 per mile. They conform to safety standards set by the State.

Farmers and rural communities surrounding Tacoma enjoy the advantages of municipal ownership. Farm rates begin at 5 cents per kilowatt-hour—which is 3 cents less than in Chicago—and drop to 1 cent after the first 20 kilowatt-hours. The farmers' mutual companies are allowed the wholesale rate the same as manufacturing plants in the city, which is the lowest in the United States. For large consumers the farm rate goes down to as low as 3 mills per kilowatt-hour.

The lowest rate in Tacoma is the wholesale power rate. This is given to the huge manufacturing plants. It is the lowest power rate in the United States. The city gives the same rate to the farmer lines. On a sufficiently large consumption during the month this rate runs down to a little over 3 mills per kilowatt-hour. The city has been a good samaritan to the farmers in Pierce County, whose little farm homes, as far as 50 miles from the city, know the comforts that electricity brings. Small wonder that these men swear by Tacoma.

FARM RATES FROM 5 CENTS TO ONE-THIRD OF A CENT PER KILOWATT-HOUR

The local wing of the Power Trust also operates in Pierce County, and has for years filled the air with its howls of protest over this arrangement. It has tried repeatedly to disrupt the companies and destroy this fearful object lesson in community cooperation and self-help. The cheap power rates these farmers enjoy is a constant menace to its rate structure. Soon after the city started to sell the farmer companies, the friends of the trust in the State legislature repealed the law permitting cities to sell power outside their corporate limits (this in 1915), but the city still takes on every farmer company organized. The only condition imposed is that the company shall be a nonprofit, mutual organization, distributing to members at cost. Washington has an initiative law, and any effort to stop the city in aiding the farmers would bring about a campaign to restore the lost legal right. The trust does not care to invoke this sort of a fight, and contents itself with underhand efforts to disrupt the companies and convince the farmers that they should abandon their own companies and pay the trust several times as much for current. Needless to say, this effort has been fruitless.

Here is one good reason why the farmers cling to their own power systems. This rate of a typical company will explain. Members are charged as follows:

First 20 kilowatt-hours at 5 cents per kilowatt-hour.

All over the first 20 at 1 cent per kilowatt-hour.

DRUDGERY TAKES WINGS

Cheap Tacoma power runs motors, pumps water, heats homes, saws wood, and does everything else that electricity will do. Drudgery takes wings when this giant who works so cheaply puts in an appearance. No wonder the private power interests hate Tacoma and spread slime all over the Nation in an effort to discredit a city that does this sort of thing. Tacoma rates and the rates of the farmer lines of Pierce County are an unanswerable indictment of trust methods.

ARTICLE BY CHARLES E. BOWLES ON "FALLACIES IN OIL"

Mr. PINE. Mr. President, I desire to have printed in the RECORD an article entitled "Fallacies in Oil."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Independent Petroleum Association of America Monthly for June, 1930, p. 12]

FALLACIES IN OIL—THE FALLACY OF OVERPRODUCTION IN 1929

By Charles E. Bowles

Would you believe the statement that the great mid-continent field, the greatest oil-producing area in the world, didn't produce enough crude oil last year to supply the combined shortage of the Gulf coast area and the entire area east of the Mississippi River?

Well, it's a fact, nevertheless.

And would you believe the statement that there was a tremendous "overproduction" in the mid-continent last year?

Well, that's a fallacy. It isn't true.

Unfortunately, however, probably 99 per cent of the people in the United States believe it's a fact. We have had the idea of overproduction shot at us from every possible angle for so long that many of us in the oil industry have actually come to believe that overproduction is a fact instead of a fallacy.

And if we folks that are in the oil industry believe such fallacies about our own industry, then it shouldn't be especially surprising that the owners of the 26,000,000 motor vehicles in the United States aren't well informed about the real facts and the fundamental conditions in the oil industry, should it? Neither should it be surprising that some of the things that these millions of people believe to be facts about the oil industry are in reality fallacies.

It's a rare exception when anyone develops a real interest in any industry outside of the one that supports him. Our avocations run mostly to golf, hunting, fishing, motoring—in fact, about everything except sitting down and making a real, serious study of any industry or business other than our own. And the result is that the great masses of the American people—millions upon millions of them—are "too busy to bother about the oil industry." And they are going to continue to be "too busy" until such time as they are convinced that some of the things that they have been believing about the oil industry are in reality fallacies—just shrewd propaganda in which fallacies have been so dexterously, so subtly, and so unobtrusively intermingled with facts as to be absolutely beyond their power of separation.

But regardless of the effect that such fallacies have upon the millions of people outside of the oil industry, the fact remains that, in the name of these fallacies, a chain of crushing conditions is slowly being forged about the "independents" in the oil industry.

The responsibility for exposing these fallacies and these conditions and "telling the world" about them rests squarely upon the shoulders of the independents within the industry. The great mass of the people will become genuinely interested in the cause of the independents only when they clearly realize that the thing the independents are fighting for reaches right down into their own pocketbooks.

In a hundred years of industrial history in the United States there are very few instances where the powerful interests within an industry have voluntarily and of their own initiative righted the wrongs, the use of which gave them their tremendous power. With few exceptions, flagrant abuses of the industrial power have been righted only when the minority interests, the "independents," if you please, actively exposed the fallacies and the crushing conditions of that industry and then took their cause to the common people, never forgetting that the common people had a pocketbook interest that only the independents could be depended upon to safeguard.

"BARE-KNUCKLE" DAYS

A splendid illustration of this is furnished by the crushing conditions that for years the old Standard Oil Co. imposed upon the independents, and that finally resulted in the famous dissolution decree of 1911. That was in the "bare-knuckle" days, when drastic policies were issued and executed without the use of piano-polished "propaganda" that prepared the minds of the people for the program and practically assured their commendation of it. Confiscation was confiscation, bold and defiant, and not dignified with a gentler but similar-sounding name.

And right here let us emphasize the fact that the preparation and dissemination of propaganda is to-day one of our most carefully studied and commercially effective arts. It is especially effective as used by some of our larger industries. It is utilizing some of the brightest minds and ablest pens in the United States—and, in many instances, without the writers really knowing it. Therein lies the final touch of power of the insidious, seductive, persuasive, plausible type of propaganda.

The "molding of public opinion" is one of our greatest industries to-day, and there are a thousand ways to do it. And public opinion that, after long years of careful nurturing, has come to think along certain lines and to accept fallacies as facts, can be depended upon by those who have "done the molding" just as certainly as any other great force can be depended upon to function along clearly defined lines.

OVERPRODUCTION

Just as an example of some of the carefully nurtured fallacies that are almost universally accepted by the great mass of people in the United States, let's take the much-discussed one of overproduction.

Easily 99 per cent of the people in the United States actually believe that the oil industry is to-day in a state of overproduction—and that the case is chronic—been producing "too much oil" lo these many years. This bogey of overproduction is the pet fallacy of the oil propagandists, and out of it has sprung a whole family of fallacies that will be dealt with in subsequent articles. Ignoring the years prior to 1929—for in 1929, for the first time, the United States produced a billion barrels of crude oil; let's look carefully at the facts about 1929 and see if there was an actual overproduction of crude oil last year.

You will note from the accompanying map [omitted] that the east coast area (marked "A" on the map) did not produce a barrel of oil last year. And it hasn't produced a barrel of oil since the beginning of the industry in 1859. However, its refineries run 172,434,000 barrels last year.

The Appalachian area (B) produced 25,962,000 barrels of crude oil and run 33,802,000 barrels to stills. It was "short" 7,840,000 barrels of producing as much as it run to stills.

The Indiana-Illinois area (C) produced 20,914,000 barrels and run 110,349,000 barrels to stills. It was "short" 89,435,000 barrels of producing as much crude oil as it run to stills.

In order to emphasize the "shortage" of crude oil east of the Mississippi River last year let's set these figures down in a table, as follows:

| Area | Production | Run to stills |
|---|---|---|
| | *Barrels* | *Barrels* |
| East coast | | 172,434,000 |
| Appalachian | 25,962,000 | 33,802,000 |
| Indiana-Illinois | 20,914,000 | 110,349,000 |
| Total | 46,876,000 | 316,585,000 |
| "Shortage" | | 269,709,000 |

In the last few years there has been an amazing expansion in refining in the Gulf coast area, which the following tabulation will emphasize:

| Area | Production | Run to stills |
|---|---|---|
| | *Barrels* | *Barrels* |
| Texas Gulf coast | 43,339,000 | 153,380,000 |
| Louisiana Gulf coast | 7,235,000 | 50,651,000 |
| Total | 55,574,000 | 204,031,000 |
| "Shortage" | | 148,457,000 |

If to the Gulf coast shortage of 148,457,000 barrels we add the shortage of 269,709,000 barrels for the use of the Mississippi, we have a grand total shortage of 418,166,000 for the year 1929.

There are only three sources from which this shortage of 418,166,000 barrels could possibly be supplied—the mid-continent, California, and foreign oil imported into the United States.

A careful study of the map shows that in the mid-continent we had the following condition:

| Area | Production | Run to stills |
|---|---|---|
| | *Barrels* | *Barrels* |
| Oklahoma-Kansas | 296,579,000 | 115,549,000 |
| Inland Texas | 250,102,000 | 58,313,000 |
| Arkansas-northern Louisiana | 38,070,000 | 24,777,000 |
| Total | 584,751,000 | 198,539,000 |
| Surplus | | 386,212,000 |

This means that in 1929 the area east of the Mississippi and the Gulf coast area had a combined shortage of 418,166,000 barrels, while the mid-continent had a surplus of 386,212,000 barrels.

And isn't it a staggering surprise to see that if the area east of the Mississippi and the Gulf coast tried to supply their entire shortage from the mid-continent that the mid-continent would have fallen 31,954,000 barrels short of being able to supply their shortage. Of course, mid-continent crude is higher gravity than the oil (much of it foreign oil) run in Atlantic seaboard refineries; but, allowing for that, the mid-continent alone could not possibly have supplied the shortage east of the Mississippi and the Gulf coast even if every surplus barrel from the mid-continent had been shipped to these areas.

CUTTING THE PRICE

Ponder these "facts" carefully, Mr. Independent Producer of Crude Oil, and contrast them with the "fallacies" that you have been listening to for years. Check them up with the "explanation," for instance, that the mid-continent had a stagger overproduction, and that the price would have to be drastically cut to prevent a lot of irresponsible independents from drilling their heads off and ruining the industry.

And how much do you think that that neat little piece of propaganda was worth to the people who had the power to cut the price? About how many millions of dollars did it save them—and how much did it cost you?

But let's turn back to the other two areas. In 1929 the Rocky Mountain area (1) produced 26,360,000 barrels of crude oil and run 25,443,000 barrels to stills. It had a surplus of 917,000 barrels, an amount that was negligible, especially as large shipments of Rocky Mountain crude have been going for years to Canadian refineries that are subsidiaries of the Standard of New Jersey.

California in 1929 produced 292,037,000 barrels of crude oil and run 243,110,000 barrels to stills. This left a "statistical" surplus of 48,927,000 barrels, much of which was nonrefinable crude, hence not available to supply the shortage of the Gulf coast or the area east of the Mississippi.

THE MAP

In studying the accompanying map you will note that the United States Bureau of Mines has divided the United States into 10 refining areas, and while the figures inserted on the map are for the year 1929, the fact remains that for many years prior to 1929 the same general condition prevailed in these areas. That is, the east coast, the Appalachian area, the Indiana-Illinois area, the Texas Gulf coast area, and the Louisiana Gulf coast area have for years been "shortage" areas, whereas the mid-continent area, the Rocky Mountain area, and California have been "surplus" areas.

In other words, the five "shortage" areas have not for many years produced as much crude oil as they have run to stills. And the five "surplus" areas have not run to stills as much crude oil as they have produced.

In the light of these facts, how can you talk about "overproduction" in areas that have always produced more than they have refined? Or how can we have overproduction in the United States as a whole when the total surplus crude in the five areas that always have a surplus is less than the shortage in the five areas that always have a shortage?

Of course, somebody will rise up and say that overproduction is a "purely local problem," the answer to which is that the shortage in the Gulf coast and east of the Mississippi is also a "purely local problem"—and neither of which statements really answers the question.

And, as it is a fact that for years the surplus from the five surplus areas has about balanced the shortage from the five shortage areas, wouldn't it seem to be both sound business and stanch patriotism to give first consideration, in the solution of our oil problem, to United States oil and give only such consideration to foreign oil as will supply our shortage, and not flood us with a surplus that will ruin our markets?

Had this policy been carried out for the last 10 years, how much higher would the price of crude oil in the mid-continent have been, and how many millions of dollars more would it have brought to the producers of crude oil?

Figure it out for yourself, and then decide how big dividends the propaganda of overproduction has paid those who sponsored it.

REVISION OF THE TARIFF

Mr. McKELLAR. Mr. President, we are trying to arrange and settle the question of the merchant marine bill. In that hope I desire to take just a few minutes to talk about something else.

I think the tariff bill now before the Senate is the most remarkable tariff bill ever passed by the Congress. I do not think any other tariff bill ever had two reports. I do not recall it, either from my own experience or from history. In addition to that, I do not think any other tariff bill was ever sent back to conference on points of order. There may have been other instances of that, but not where two separate and distinct reports were both sent back upon points of order.

All of that shows me, Mr. President, and I think shows the country, that the great industrial interests of our country have been so rampant, so impetuous, so determined to get something from the Government for their special interest and for their special benefit that they have taken remarkable chances in the preparation of this bill.

For instance, President Hoover recommended that a bill be passed providing for farm relief by the tariff route, and limited revision as to some articles where an increased tariff was necessary. The House disregarded what he suggested about the matter and brought in the highest tariff bill that has ever been prepared. The Senate majority, not content with that, went ahead and increased the rates tremendously. Not satisfied with that, when the bill went to conference the importunate interests, craving more and more all the time, not satisfied with what the House had done and not satisfied with what the Senate had done, lobbied around the conference, and got many things in the conference that the Vice President has thrown out. These things show that the bill was a graft, it was a steal, from the very beginning.

Mr. President, I am inclined to think that the vote on this tariff bill is going to be exceedingly close. I think it will be closer than many people think. I sincerely hope the bill will be defeated. It ought to be defeated.

In this connection I want to read for just a moment an editorial from the Washington Daily News of May 20 which, it seems to me, is the best advice that has been given this body and the body at the other end of the Capitol since the tariff bill has been under discussion.

The title of the editorial is:

The Senate must kill the bill.

Remember, this was written on May 20.

The United States Senate must vote within a few days either to enact or to kill a tariff bill that contains unmitigated disaster for the American people. The way was cleared late yesterday afternoon.

I want to say that the majority in control of the Senate did not take the way that was suggested by this paper on May 20. Now, another time comes; another opportunity is offered to kill this bill; and I want to say that I think it ought to be killed. This second opportunity ought not to be turned down. It may not be to the benefit of my party that the bill be killed; but in the interest of the American people, in the interest of the taxpayers of this country, it is clearly the duty of this body to kill this bill, and I hope it will be killed whenever it is voted on.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from California?

Mr. McKELLAR. I yield.

Mr. SHORTRIDGE. The Senator will permit me to observe that it is very easy to indulge in what Rufus Choate called "glittering generalities," or what a backwoods statesman called "general glitteralities"; but does the editorial in question—or will the Senator point out—any specific item as to which he thinks an extortionate, an indefensible rate has been suggested?

Mr. McKELLAR. There are a great many of them. I am not going to take the time to go through the bill. I will mention an outstanding one right here, however—one that affects every household in America.

You put an extortionate tariff on sugar. The Tariff Commission which the Senator and I helped to constitute, and which was supposed to be a fair body, several years ago said that the tariff of $1.76 that now exists on sugar ought to be reduced, as I remember the figures, to $1.26; and, notwithstanding that scientific report, this Congress has raised the tariff on sugar, going to the table of every American citizen, high and low, rich and poor, taxing the poor people quite as much as it does the rich. You have gone into every home in this land and put an extortionate tariff on sugar.

Mr. SHORTRIDGE. Mr. President——

Mr. McKELLAR. If the Senator will wait just a moment——

Mr. SHORTRIDGE. I merely wish to ask one other question.

Mr. McKELLAR. Surely; the Senator is always courteous.

Mr. SHORTRIDGE. I had not intended to engage in debate on this subject, and I may not hereafter; but, touching sugar, it has occurred to me that the rate suggested would be helpful to Louisiana, it would be helpful to Colorado, it may be helpful to California, and to other States. I am a protective-tariff man. I would vote for a rate which would help Tennessee as gladly as I would vote for a rate which would help North Carolina or Maine or California. We are one family, one nation, one people.

Mr. McKELLAR. Yes, Mr. President, the Senator would do it. The Senator is perfectly willing to vote for special interests, as I understand it, anywhere in the United States, whether in California, Louisiana, Tennessee, or any other State. I understand his position. It is true that if this exorbitant tariff duty on sugar is made the law, it will benefit the sugar planters down in Louisiana to a very small degree. It may to a large degree, but I say to a small degree because there are very few engaged in planting sugar in comparison with all the rest of the people. My recollection is that last year not more than about 40,000,000 pounds of sugar were raised in Louisiana. It is a very inconsequential amount. Yet, in order to help the few planters down there, and the few planters in the Senator's State, and a few sugar planters elsewhere, the Senator and his party are willing to tax all of the American people to this enormous extent.

I want to continue to read this splendid advice:

Yesterday the Senate, in effect, eliminated two provisions it previously had written into the bill. One was the debenture you have read so much about. There isn't much to be said in defense of the debenture, save that it attempted to give farmers an advantage similar to that given to certain industries.

I do not agree with the writer of this article when he says it would not have much effect, but when he points out that it merely puts agriculture on the same basis with other industries, he states what was the purpose of the debenture, and it ought to have been continued in this bill, and because it is not in the bill, the bill ought to be defeated, just as this newspaper man advises. I read further:

The present tariff bill having been concocted in a special session of Congress called for farm relief, some Senators—for a time a majority of them—sought to carry out the purpose of the special session in that manner. But yesterday the vote was against them and the debenture went out.

At the same time the Senate abandoned its effort to keep the tariff bill within the limitations of the United States Constitution. By a vote of 43 to 42—the deciding vote being the Vice President's—it gave up its fight over the thing you've heard called the flexible clause. This leaves with the President, if the bill becomes law, the power to raise or lower the tariff schedule as he may desire. In other words, it puts in the President's hands the power of taxation, explicitly reserved to Congress by the Constitution.

In that the writer of this article is absolutely correct. When we put this particular flexible clause into this bill we violated the plain mandate of the Constitution of the United States.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. McKELLAR. In just one moment.

Mr. SHORTRIDGE. Very well.

Mr. McKELLAR. I want to finish this; it is very short. I read further:

It is difficult to see what the Senate now can do except vote to kill the bill.

The Senate spent months endeavoring to improve it. Aside from the two features above described, the Senate voted numerous reductions in the indefensible rates written by the House Ways and Means Committee. These rates, for the most part, have now been restored by the House-Senate conference committee.

The full iniquity of the bill as it now stands is understood by the Senate. There are few Senators who can vote for it without voting against their own intelligence. The Senate—unlike the House—has given the bill serious study; it has gone through it, rate by rate, from beginning to end. Unfettered by administration gag rules that render the House dumb and helpless, the Senate has discussed every item.

The Senate knows:

That a vote for the bill is a betrayal of the official pledges of both the Republican and Democratic platforms.

That it will add hundreds of millions of dollars to the annual cost of living in America.

That it means a declaration of trade war with the rest of the world, 33 nations having already prepared to retaliate.

That it will close the foreign markets on which our export trade and millions of our workers depend.

That it will hamper mass production, shut down factories, and increase the army of unemployed.

That it will prevent the return of prosperity.

Knowing these things—and it does know them—will the Senate fail to kill the bill?

The opportunity will come when the conference committee submits its report.

The conference committee has submitted two reports. Both of them have been sent back, having been rejected, by the opinion of the Vice President, universally acquiesced in by the Senate, because nobody has taken an appeal from his rulings, which means that these reports have been sent back because the conferees have been trying to legislate. First the House, then the Senate, now the conferees, have been raising rates, doing everything to make this the most iniquitous measure that has ever been passed by the Congress in all of its history.

Mr. President, I think the statements in this editorial point out the conditions exactly as they exist before the Senate to-day. I believe instead of several hundred million, as pointed out, it will mean a taxation of a billion dollars upon the American people when we pass this bill.

The great shame of it all is that when we put this enormous tax upon the American people we are not taxing those who are best able to pay the taxes, we are taxing the plain, everyday working man and working woman in this country in equal measure with those who have more of this world's goods. It is an indefensible tax; it ought not to be put on, and I sincerely hope it will not be put on.

Now I yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, I wish to ask the Senator if he thinks that the placing of 7 cents a pound on long-staple cotton was an iniquitous, unwise thing to do?

Mr. McKELLAR. I can not better explain what I think about it than to say that I am going to vote against it, and I

praise the Lord that it and every other increase of the tariff, and every other tariff imposition in this bill, will be overwhelmingly beaten. If it can not be overwhelmingly beaten, I will be satisfied if it is beaten by 1 vote, or 2 votes, or 3 votes.

Mr. SHORTRIDGE. Mr. President, will the Senator yield further?

Mr. McKELLAR. I yield.

Mr. SHORTRIDGE. I hold in my hand Concurrent Resolution No. 14, passed by the Legislature of the State of Mississippi. It was adopted by the house of representatives January 17, 1930, and by the senate January 23, 1930, passing the latter body, the Senate of the great State of Mississsippi, by a vote of 34 ayes to 1 no. I ask permission to have this resolution incorporated in the RECORD.

Mr. McKELLAR. At the end of my remarks?

Mr. SHORTRIDGE. Yes; at the end of the remarks of the Senator from Tennessee.

Mr. McKELLAR. I have no objection in the world to that. I think some special interests, some cotton interests down there, got the legislature to pass that sort of a resolution. I imagine they thought that everybody in the country was grabbing in and getting as much out of the Government as they could. Every special interest, from the makers of shoes and clocks and watches and handkerchiefs to the producers of sugar, was getting his, and probably the members of the legislature thought they might put their hands into the grab bag and get the right to tax the people as much as possible. But I just do not agree with it. Forty Mississippi Legislatures could have passed such a bill, the Tennessee Legislature could have passed such a bill, but I would not have thought it was right. I do not believe in the principle of taxing all the people for the benefit of a few special interests in this country.

Mr. SHORTRIDGE. Mr. President, the Legislature of Mississippi in this Concurrent Resolution No. 14 said:

> Whereas the Democratic Party at the Houston National Convention have abandoned a demand for a "tariff for revenue only" as a party principle.

Does the Senator agree with that?

Mr. McKELLAR. I do not think it abandoned it, but it put a clause in the platform I was not in favor of, and when I was asked during the campaign of 1928 to ratify that clause, I declined to do so. I never have done so, and I do not believe in it. I did not believe in it then, and I do not believe in it now, even though such a makeshift proposal as was put in the platform was adopted. It was the law of that campaign, and I stood by it during the campaign so far as party candidates were concerned. I had nothing to say about it in the campaign, but I hope it will never appear in another Democratic platform.

Mr. SHORTRIDGE. If I might further interrupt the Senator——

Mr. McKELLAR. I yield.

Mr. SHORTRIDGE. I gather from the Senator's remarks that, of course, he thinks that the Senators from Mississippi, from Louisiana, from Texas, from Arizona, and from other States, all distinguished Democratic Members of this body, were wrong when they voted in favor of a duty of 7 cents a pound on long-staple cotton.

Mr. McKELLAR. Oh, no; I do not want to criticize at all, and I could not. I can see very well how they would have offered, while the grabbing was going on, to put in and grab for their own States. That might well happen. I think all Senators do that. But when it comes to the test, whether or not they are going to vote against it, I hope that every one of the Senators the Senator has mentioned will vote against this bill when it comes up.

Mr. President, some time ago Mr. Matthew Woll, vice president of the American Federation of Labor, came out in favor of this bill, and I have before me correspondence from the Hon. George L. Berry, who is president of the International Printing Pressmen & Assistants' Union of North America. He lives in Tennessee, and is one of the very able and very eloquent members of organized labor, and one of the very influential members of organized labor.

I have correspondence which I want the Senators present to listen to, because it shows the difference in opinion which exists and it shows what is going on in this matter. The first letter is addressed to me, and is as follows:

INTERNATIONAL PRINTING PRESSMEN & ASSISTANTS' UNION OF NORTH AMERICA,
*Pressmen's Home, Tenn., June 3, 1930.*

Hon. KENNETH D. McKELLAR,
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR: You, no doubt, have observed in the CONGRESSIONAL RECORD dated May 10, 1930, the letter from Mr. Matthew Woll addressed to Hon. HENRY D. HATFIELD, which, evidently, was in answer to a letter of Senator HATFIELD addressed to Mr. Woll under date of May 5.

The matter has just reached me, otherwise I should have taken more prompt action in giving answer to Mr. Woll's communication. I have done so, however, this day, and am taking the liberty of attaching hereto copy of my letter.

With kind regards, I am, sincerely yours,

GEORGE L. BERRY, *President.*

P. S.—You will also find attached copy of my letter to President Hoover.

G. L. B.

I now read the letter to Mr. Matthew Woll. Like the editorial from the News, which I have already read, it is very full of meat. It is as follows:

JUNE 3, 1930.

Mr. MATTHEW WOLL,
*Vice President American Federation of Labor,*
*American Federation of Labor Building, Washington, D. C.*

MY DEAR MATTHEW: I have just finished reading your letter of May 10, 1930, addressed to Hon. HENRY D. HATFIELD as it appears on page 9703 of the CONGRESSIONAL RECORD of the Senate under date of May 28, 1930, and in consequence I am taking the liberty of addressing you.

The introductory comments of Senator HATFIELD were, of course, not surprising except in that he has evidently concluded, and I think the general public has formed the same opinion, that your letter of date May 10 was written for the purpose of supporting and assisting in the passage of the tariff revision bill at that time and still before the Senate, which is commonly referred to and which, from all indications, appears to be quite correct inference, the "Grundy bill."

By careful perusal of your letter, associated with the interpretation placed upon it by Senator HATFIELD, it at least appears to me that the impression is very definitely intended to be made that you are speaking for and that the American wage workers are in perfect harmony with the "Grundy bill." If this was not the intention, then there would have been no value in the transmission of the communication.

It is observed that in the heading of the letter the following words are used:

"American Wage Earners' Protective Conference."

At the conclusion of your letter it is signed:

"Matthew Woll, president."

I am assuming from the foregoing that you were writing as "president of the American Wage Earners' Protective Conference." I must say that this is a new institution, and I have made some inquiries among labor men, members of the trade-union movement, and they indicate they never heard of the American Wage Earners' Protective Conference, therefore it follows that there can not be any general understanding of this so-called conference's purpose, and it is certainly not representative of either the ideals or principles of the American labor movement.

By virtue of the fact that the American Federation of Labor has very consistently adhered to the policy of absolute noninterference in the political log-rolling scheme of tariff making, the individual activities of members of the labor movement on this issue are left quite to their own activities and, of course, you have just as much right to act as an individual as a high protectionist as I have to conclude to pursue, perhaps, a diametrically opposite course. Certainly, if it is your individual desire to become an advocate of the present "Grundy" tariff bill, that is your individual right, but I think it very unwise for you to take such an attitude in view of the official position you hold with the American Federation of Labor. You are, and it is generally known, the vice president of the American Federation of Labor; the use of your name in connection with the support of what at least I conceive to be the most atrocious and indefensible tariff revision ever considered by the Congress of the United States will leave the impression upon many that the American Federation of Labor is supporting the "Grundy" tariff bill and, of course, as you know, this isn't true, because the great overwhelming majority, in my opinion, of the American workmen are in sympathy with the great overwhelming majority of the citizenship of our Nation in condemning without reservation the measure that your letter to Senator HATFIELD supports.

In my judgment if you felt it your duty as an individual citizen to support the "Grundy bill," then you should have resigned from the vice presidency of the American Federation of Labor so that the American Federation of Labor might have been saved the humiliation of having anyone for even a second conclude that the American labor movement was in support of the present and generally denounced and unpopular tariff bill.

In addition to the foregoing there is that angle of the situation which involved the reputation of the labor movement. While everybody appreciates the unfairness of the present tariff measure, its imposition upon the workers of America in that it is certain to increase our cost of living from the breakfast table to the actual construction of our home, yet to have the inference made as result of your support of it by reason of your being the vice president of the American Fed-

eration of Labor is a dangerous situation in that the great overwhelming majority of the people of the Nation, and particularly the farmers, whose support and sympathy we need, can do nothing more than conclude that the American Federation of Labor is in sympathy with the special and selfish interests who have attempted to force upon the American public this utterly indefensible and thoroughly uneconomic piece of legislation.

It has been my opinion all the time that public opinion was worth something. Certainly, I prefer it, including with it the sentiment of the great majority of the voters of Pennsylvania who have but recently repudiated the chief sponsor of this measure—Senator JOSEPH GRUNDY—than to be allied in the most indirect fashion with those who are engaged in the proposition of securing the Government's support to the squeezing of further increases in the cost of living out of the American workmen.

What challenges my attention most, I repeat, is that you, being the vice president of the American Federation of Labor and in view of the American Federation of Labor's position upon the subject of tariff, had no right as long as you were holding the position of vice president of the federation to take the attitude you have, and especially in view of what is generally conceded to be in contravention to the sentiments of the organized-labor movement of America and the great majority of our citizenship.

In addition to what has been said in the foregoing, your letter is couched in words of criticism bordering on to insult, presenting no practical claims for the measure but largely, if not entirely, confined to offending some real and genuine friends of the organized-labor movement who are associated with many of the leading colleges of our Nation.

You know of my friendship for you, but I can not permit this to pass without at least offering my resentment and insisting upon the fact that your statement is not in harmony with the viewpoint of the American labor movement.

With kind regards, I am, sincerely yours,

GEORGE L. BERRY, *President.*

At the same time Mr. Berry wrote a letter to the President, which reads as follows:

JUNE 3, 1930.

Hon. HERBERT HOOVER,
*White House, Washington, D. C.*

MY DEAR MR. PRESIDENT: It is my desire to associate myself with the many citizens of our Nation in protest against the passage by Congress of the present tariff bill, and to join with the millions of working men and women of this Nation in expressing the hope that if the bill is finally passed by the Federal Congress and reaches your desk in consequence that you will find it possible to veto it and return it to the Congress disapproved.

It is my hope that you did not understand from the contents of a letter addressed to Hon. HENRY D. HATFIELD of the United States Senate, of May 10, 1930, by Mr. Matthew Woll that the American labor movement is in sympathy with the bill. My opinion from intimate observation and actual activity as the president of one of the several international trade-unions is that the organized-labor movement is not in sympathy with this bill.

I have taken the liberty of writing Mr. Woll, and please pardon me for the presumption of attaching copy of my letter, which explains the position, as I see it, of the workers of this country.

With very kind regards, believe me to be, most respectfully yours,

GEORGE L. BERRY, *President.*

Mr. President, I sincerely hope, first, that the Senate will not pass the iniquitous bill; and in the second place, if it is passed, that President Hoover will stand by the opinion which he uttered in his message in calling the Congress together and hold that the bill raising the tariff rates higher than they have ever been before is an improper bill and should not receive his signature.

The concurrent resolution of the Legislature of Mississippi submitted by Mr. SHORTRIDGE, and to be printed at the close of Mr. MCKELLAR'S speech, is as follows:

House Concurrent Resolution 14, requesting the Senators and Representatives in Congress from the State of Mississippi to favor a tariff on cotton

Whereas the overwhelming sentiment of the Nation is for a protective tariff on all commodities, whether manufactured product or raw material; and

Whereas two South-wide cotton growers' conventions have within the past few years, without a dissenting vote, adopted resolutions favoring a tariff on cotton; and

Whereas the Democratic Party at the Houston national convention abandoned a demand for a "tariff for revenue only" as a party principle; and

Whereas it is the opinion of all thoughtful business men of the cotton-growing States and of the majority of the citizens of such States that in view of the purpose of all of the other States of the Union to secure a tariff upon their agricultural products, that it is imperative that the cotton-growing States protect themselves by securing an adequate tariff on cotton; and

Whereas there is a tariff levied on all manufactured articles consumed by the cotton growers while cotton is on the free list, which makes an unjust discrimination against the cotton growers; and

Whereas it is the sense of the Legislature of the State of Mississippi that it is necessary to protect the southern cotton growers and the business interests of the cotton-growing States of the South that a strong tariff be placed on all cotton, short staple and long staple, imported in the United States of America, and on all American cotton which may have been shipped out of the United States and reimported into this country: Now, therefore, be it

*Resolved by the House of Representatves of the State of Mississippi (the Senate concurring therein)*, That the Senators and Representatives in Congress from the State of Mississippi be, and they are hereby, requested to use their best efforts to secure a strong tariff upon all foreign-raised cotton and upon all American-grown cotton shipped out of this country which may be reimported into this country.

Adopted by the house of representatives January 17, 1930.

THOS. L. BAILEY,
*Speaker of the House of Representatives.*

Adopted by the senate January 23, 1930.

BIDWELL ADAM,
*President of the Senate.*

Mr. FESS obtained the floor.

Mr. HEFLIN. Mr. President, will the Senator yield to me? I desire to suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Ohio yield for that purpose?

Mr. FESS. I yield.

Mr. HEFLIN. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Allen | Frazier | Kendrick | Sheppard |
| Ashurst | George | Keyes | Shipstead |
| Barkley | Gillett | McCulloch | Shortridge |
| Bingham | Glass | McKellar | Simmons |
| Blaine | Glenn | McMaster | Smoot |
| Blease | Goff | McNary | Steiwer |
| Borah | Goldsborough | Metcalf | Stephens |
| Bratton | Gould | Moses | Sullivan |
| Brock | Greene | Norbeck | Swanson |
| Brookhart | Hale | Norris | Thomas, Okla. |
| Broussard | Harris | Nye | Trammell |
| Capper | Harrison | Oddie | Tydings |
| Connally | Hatfield | Overman | Vandenberg |
| Copeland | Hayden | Patterson | Walsh, Mass. |
| Couzens | Hebert | Phipps | Walsh, Mont. |
| Cutting | Heflin | Pine | Waterman |
| Dale | Howell | Ransdell | Watson |
| Deneen | Johnson | Robinson, Ind. | Wheeler |
| Fess | Jones | Robsion, Ky. | |

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

Mr. ODDIE. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. ODDIE. I ask permission to have inserted in the RECORD an article from the New York Herald Tribune of this morning, being an interesting discussion of the tariff bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the New York Herald Tribune, Thursday, June 5, 1930]

IOWA PRIMARY RESULT DISMAYS FOES OF TARIFF—MARK SULLIVAN FINDS SENATE COALITION IN DOUBT AS TO UNPOPULARITY OF MEASURE—POLITICS DECIDING FACTOR—MID-WEST APPROVAL OF BILL MAY UPSET CRY OF "GRUNDY."

By Mark Sullivan

WASHINGTON, June 14.—What is done in the Senate about the tariff bill from now on will be virtually political in motive. Because of that fact the outcome is in more doubt than generally assumed. The Democrats and insurgent Republicans could defeat the bill in the Senate if all of them had a strong conviction that that would be good politics. They are troubled, however, about doubts arising this week as to whether opposition to the tariff is really as good politics as they have thought. Some Democrats speculate frankly though privately on whether they shall defeat the bill or by making a "sacrifice hit" let it pass. By "sacrifice hit" they mean arrange for one or two Democrats to vote in favor of the bill.

The regular Republican margin in favor of the bill is extremely small The margin would be lessened by the now rather general expectation that Senator GRUNDY, of Pennsylvania, may vote against the bill. If Senator GRUNDY should do that, his action would influence some Democrats to vote in favor of it. The Democrats have hoped to make the bill seem undesirable to the country by identifying it with GRUNDY. If

they find they can not call it a "Grundy bill" or persuade the public that GRUNDY made it, the Democrats will have even more apprehension about whether the bill can be made unpopular.

FATE DEPENDS ON ITS UNPOPULARITY

In the situation that has arisen this week the outcome of the final roll call hangs on several delicate psychological triggers, all having to do with politics rather than merit. The fundamental question is whether or not the bill is really as unpopular as many have assumed it to be.

It is for an answer to this question that every primary election or other event reflecting the attitude of masses of voters is examined with a political microscope, especially by Democrats and insurgent Republicans.

The political purposes of the Democrats and insurgent Republicans can only be satisfied if there exists or can be stirred up a dynamic popular disapproval. If the public seems indifferent about the bill or if the public even mildly approves it, the Democrats and insurgent Republicans feel disturbed.

In this atmosphere of tense inquiry about popular feeling, measurable effects have arisen from the striking success in the Iowa Republican primaries of a candidate who defended the bill, LESTER J. DICKINSON. The judgment of Iowa is of the highest importance, because Iowa is supposed to reflect the whole mid-west farming territory. This territory has been assumed to be reflected accurately in politics by the insurgent Republicans who condemn the bill. If Iowa has no great protest against the bill, that makes a vital difference. The tariff session was called to satisfy the farmer, and if the farmer approves or does not strongly disapprove that fact goes far toward undermining the Democrats and insurgent Republicans.

LEADER OF THE FARM BLOC

The winner of the Republican senatorial primary in Iowa, Mr. DICKINSON, during his 12 years in the House has been regarded as a completely accurate reflection of Iowa and of the farming Middle West. He has been the outstanding spokesman, and in an accurate sense the official leader of what was called the "farm bloc" in the House. He was the earnest exponent of farm relief and a continuous fighter for it. Mr. DICKINSON'S right to be regarded as a true reflector of Iowa and the Mid West can hardly be questioned.

In running for the Senate DICKINSON supported the tariff. His opponent, Governor Hammill, attacked it. There were other issues, but that the tariff was the chief one is asserted by persons qualified to know.

Representative HAROLD KNUTSON, coming from the similarly agricultural Minnesota, just north of Iowa, declared on the floor of the House that "the tariff was the issue." Senator GLENN, representing another great agricultural State, Illinois, says that "I have just come from the Middle West and all the newspapers I have seen are to the effect that Representative DICKINSON very loyally and vociferously advocated and defended the tariff bill." Assuming that the tariff was the main, or a main, issue, Mr. DICKINSON'S victory must be accepted as significant. It is especially so, considering that his opponent, Hammill, is a man who has been able to have himself three times elected governor.

TARIFF'S FOES DISTURBED

There is meaning in the fact that the Democrats and insurgent Republicans are obviously disturbed by Representative DICKINSON'S victory.

Senator PAT HARRISON, Democrat, of Mississippi, attempting to reply to the passage from Senator GLENN, quoted above, rather evaded the question by a play on words, saying that Mr. DICKINSON instead of defending the bill was really "making excuses" for having voted for it. There can be nothing in that. "Making excuses" for having done a thing disapproved by the voters would hardly win the Iowa, or any other primary. Insurgent Republican Senator GEORGE W. NORRIS, of Nebraska, tried to find a reason other than the tariff for Mr. DICKINSON'S success, saying that Mr. DICKINSON had been a few years ago a supporter of the McNary-Haugen bill for farm relief, and recently an advocate of the debenture plan.

The net result of it is that the Iowa result puzzles the insurgent Republicans and Democrats as to whether opposition to the tariff is politically profitable.

Mr. FESS. Mr. President, it is not often that I take the floor in the Senate to discuss a matter which is not technically before the Senate. However, the flexible provision of the tariff is one that might be considered as before the Senate, although technically it has been laid aside.

I have much sympathy for the attitude of those Senators who are concerned about retaining in the legislative department of the Government all the functions that legitimately belong to that department. I have always looked with more or less concern on any encroachment by one of the coordinate departments upon another, believing that the very genius of our institutions requires the maintenance of the independence of the three coordinate departments of the Government. For that reason I have much sympathy for those in the Chamber who have been arguing against permitting the authority under the flexible provisions to be lodged in the Executive and who prefer to keep it in the legislative department of the Government.

However, everyone must concede that with the growth of the Government, with the vast increase in the work devolving upon Congress, inevitably we must find some method by which to relieve this body and the other of what are strictly administrative functions and permit such functions to be performed by the executive department, which is the administrative department of the Government.

When the distinguished Vice President first came to Congress, a comparatively short time each year was devoted to any particular session. Probably three to four months would comprehend the entire period in which Congress would be in session. For the remainder of the year Senators and Representatives would be free to pursue their professions or work at home. Long ago, however, that day passed. To-day it is hardly possible for a Senator or Representative in Congress to enjoy the opportunity of discharging his official duties and at the same time engage in any private activities. The business of the Government has been so augmented that a public man to-day in either body has no time outside of the performance of his official functions. As the result, we have noted during the last 30 years an effort not to delegate powers but rather to relieve the legislative department, which now seems to be in session most of the year, from the performance of some of the duties which really are purely administrative, and which ought to be performed by the administrative departments of the Government. I do not need to mention those duties, for they are perfectly obvious to everyone.

The regulation of railroad rates primarily belongs to the legislative department, but years ago it was realized that Congress could not well perform such a task. Therefore there was created an agency to exercise the power to regulate railroad rates which otherwise would have been left in the legislative body. That is one of the outstanding examples of the transfer from the legislative body to an administrative body the performance of such duties as are purely administrative. In other words, everyone must recognize that there is a policy-determining function on the one hand and an administrative function on the other. The policy-determining function must always rest in the legislative department of the Government, while administrative functions should always be performed by the executive department.

As to the fixing of a policy relative to the tariff, there is no doubt where that power belongs. It is properly lodged in Congress; it is a legislative function. It may not properly be usurped or exercised by the executive department. That is true for many reasons which are too obvious to require mention. The determination of the question whether impost duties shall be laid upon the basis of collecting revenue only and upon no other basis, which for a long time was the policy of one of the major parties in the Congress of the United States, the lawmaking body. However, when it comes to the administration of that policy, when once it shall be laid down, that is not a legislative function but it is purely an executive function, an administrative function.

For 60 years we have been discussing back and forth what policy shall govern in laying impost duties; shall they be levied on a protective basis, in order to protect American industry, or shall they be levied on a revenue basis, in order merely to collect enough money with which to operate the machinery of the Government? One of the major parties took the latter position; the other major party took the former position. Later on the party that had stood for a tariff for revenue only modified its position and adopted the policy of a tariff for revenue with incidental protection. Any modification of the policy affecting the tariff distinctly belongs to the legislative department. I might go on and illustrate by concrete examples that the power to determine the policy of the Government belongs alone to this body, in conjunction with the other body, and has always been thus exercised.

So I take it for granted, Mr. President, that we are all agreed that the determination of the policy of this Nation with reference to the tariff, whether duties shall be levied for revenue only or for protection, is distinctively a legislative function, and any effort to encroach on it would be resisted and should be resisted. That is one statement, I think, upon which we can all agree.

Another statement which I wish to make, and on which I think we can all agree, is that when a policy regarding the tariff shall have once been fixed and we enact any particular legislation in line with that policy, such legislation ought not to be changed in a short time, but it ought to be permitted to remain in operation for a reasonable number of years. I want to illustrate what I mean by that statement.

When it comes to legislation on the tariff question it is wise not to legislate every year; there ought to be some stability in such legislation. If we embarked upon a certain policy in 1890, it ought not to be interrupted immediately. It is true, however, that wherever the policy upon which we may have embarked becomes a disputed question politically, if the party adhering to that policy is displaced, a different policy may be adopted immediately. In 1890, for instance, we had what is known as the McKinley law, which embodied the protective-tariff policy. In 1894 we had the Wilson law, which was framed not in accordance with the protective policy but rather in accordance with a tariff-for-revenue policy. In that case there was a change in the space of only four years. Then in 1897 Congress enacted the Dingley law, thus changing from a revenue to a protective policy in only three years. In other words, in the space of seven years, counting the McKinley Act, we had three legislative acts upon the tariff question. Such frequent changes are unwise.

We did not have any further change of policy or even a modification of our tariff policy until 1909—a period of 12 years. That was a longer period of stability than usual in the case of a tariff law. Many Senators contend that when a tariff law is soon changed it is an evidence that it was originally faulty. That is not so; that is not true at all.

In these days, in our economic life, changes take place overnight; they become the rule rather than the exception. It is not possible, in a growing country such as ours, to maintain a static situation in respect of tariff legislation, and then permit a tariff law to remain in effect indefinitely. The evolution of the industries protected by the legislation will necessitate a change of rates, because it is commonplace that when we protect an article, the manufacture of which had not theretofore been established, through its establishment there is oftentimes a growth in competition to a point where prices are reduced sometimes below even the tariff rate. So the assertion that an early necessity for a change in the law is itself an argument that the law originally was faulty, has no basis, it has no force whatever. On the contrary, it is true that when we establish a particular tariff policy by a particular statute, reason argues that the law should not be changed within a year or so; that it at least ought to endure for a period of 6, 7, or 8 years. Taking all tariff legislation of the last 40 years, it will be found that there has been on the average a new tariff law during about every 6-year period. That probably is too long, and yet it may not be too long.

However, my point is that when once we establish a policy we ought not to change that policy in detail, in its entirety, until after a reasonable lapse of time. By doing so, we throw all business in an uproar, for every sensible man will admit that so long as business does not know what rates of duty are going to be imposed it is going to suspend operations, awaiting a determination.

While it will be resented when I say so, there is no doubt that the slowing down of industry that we feel to-day is the direct and inevitable and logical result of more than 12 months of tampering with tariff legislation, with no certainty up to this hour as to what the rates are to be. If we are wise enough to decide these rates so that business knows what they will be, there will be a logical resuscitation of employment; but so long as there is a risk for business that is purchasing raw material, not knowing what price the article made out of the raw material can be sold for, there is not going to be any enthusiasm in the business world; and if we do not enter upon the principle of maintaining a tariff policy for a certain length of time, we are going to have this uncertainty in business which all of us greatly deplore.

The present Presiding Officer [Mr. ALLEN in the chair] will recognize that the constitutions of many States of the Union provide that every so often the people of the State shall vote on whether or not their constitution is to be amended. We have such a constitutional provision in my own State. In other words, this is not a static world. This is a moving world; it is a growing world; and what to-day is suitable may not be suitable to-morrow. So a good many people have urged that it would be wise for us to enter upon a general plan under which, whatever the legislation on this subject may be, there shall be a vote of the people every so many years as to whether that legislation shall be changed.

I do not advocate that course; but it is in line with the suggestion I have made that there ought not to be the risk to the business of the country that at any time the policy of the Government in matters of revenue is to be uprooted. So my first major premise is that a policy should be fixed. It should be fixed by the legislative department.

The second major premise is that when the policy is fixed it ought not to be torn up at any time; but there ought to be some opportunity to give it stability in the interest of restfulness on the part of the business of the country.

The third premise that it seems to me is quite pertinent is that during that period there ought to be the facility whereby we can make that policy continuously effective. What I mean by that is that if we have a period within which we are not going to take up the tariff question in its entirety and revise the tariff as a whole, if the period is thus protected, we must have somewhere the authority to change individual rates that get out of coordination—it may be by some technological change, it may be by some invention or discovery.

As I stated a moment ago, our economic life is changing so rapidly that a whole policy with reference to one particular item might be put out of operation over the world, as every one must know. So with the position that I think is justified—that we should not open up the tariff question every three or four years in its entirety—we must nevertheless lodge somewhere the authority to deal with an individual rate without opening up the whole subject. Otherwise, we would freeze over a period of years a static rate that would be both unwise and unjust, and that is what we are trying to reach at this point.

Mr. McKELLAR. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. ALLEN in the chair). Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FESS. I yield.

Mr. McKELLAR. Does the Senator think that the flexible provision we now have in the law is of any material benefit?

Mr. FESS. Yes; I do.

Mr. McKELLAR. May I state in that connection that the Senator will recall that only 32 rates, I think, have been changed in the eight years that the flexible provision has been in existence.

Mr. FESS. Mr. President, both the Senator from Tennessee and I were here when the law of 1922 was up, and when the flexible tariff provision was very fully and elaborately discussed; and he will recall that the argument against it was that it would transfer tariff-making from the legislative body to the Executive, and it was assailed beyond expression on the ground that the President would make too many changes. That was the whole argument. Now, the argument seems to be that he did not make enough changes. All through this debate I have heard the assertion that the flexible provision of the existing law is a failure, because there were only 33 changes—7 cases, I think, of lowering the rates, and the others of increasing them. I am not sure of the exact number. The Senator will recall that I am stating the fact, however, that that was the leading argument against the flexible provision.

Mr. McKELLAR. No; I recall that that was one of the arguments used against the flexible provision at that time; but the Senator will recall, I am sure, the moment it is called to his attention, that the principal argument made by most of us was that it was unconstitutional, as we could not transfer that power from the Congress to the Executive.

Mr. FESS. Yes; and I will say to the Senator that while I supported the flexible provision in 1922, I had my doubts at that time as to whether we were delegating to an agency like the Tariff Commission or to the President the power to tax. That was in my mind at the time. I also had in mind that it was a question whether we were not transferring from the legislature a function that did not belong to the Executive in the nice relationship between the three departments of government. I shared a good deal of doubt about it; but we went into it at that time, and then the Supreme Court made a determination on the question of constitutionality, and I think the statement in the opinion in the Hampton case is simply unanswerable. So that feature is entirely allayed in my mind.

Mr. President, the next point I desire to make is that, if I am right, we ought to determine the policy by Congress, and then, when the policy is once determined, it should not be opened up in its entirety right away, but there ought to be a reasonable period intervening; and then, following that, as the result that is inevitable in a dynamic economic world like ours, we shall have to have the authority somewhere either to change the particular rate that has become obsolete as a result of some discovery or invention or what not in economic life, or else freeze these rates over the period, which would be both unjust and unwise, or else throw the thing overboard and open up the whole question in its entirety to the destruction of business. I think the latter course is unwise, and I had thought it would be generally conceded by every Member of this body that those three premises are correct in sound legislation—a policy fixed;

a definite period, not to be in its entirety interrupted; an agency with authority that is administrative to correct the individual rate that should be corrected, rather than let it be frozen over for a certain period. I thought those three propositions would be acceptable to every person in this body.

Mr. President, I think all of us will accept the principle of the commission because of the very things I have stated. When the Tariff Commission idea was originally propounded, the Senator now occupying the chair [Mr. ALLEN in the chair] will definitely recall that it was called in its first embodiment a Tariff Board; and Congress was so jealous of its own power that it would not permit the Tariff Board then to submit a recommendation. Congress denied the board that authority. Colonel Roosevelt had the idea, when he originally announced it, that it would be a good thing to have a Tariff Commission given power to suggest what the rates should be; but when the Tariff Board was created it was denied the right even to make a recommendation as to what the rate should be, and we all understand why. It was due to the jealousy of the legislative department in regard to its own powers. Then when the Tariff Board was discontinued, and later on we had substituted for it the Tariff Commission, there was a stronger sentiment in favor of it, and the Tariff Commission was given more power than the Tariff Board had been given.

With the present evolution we are still coming with greater favor toward the idea of a tariff commission that can function; and to-day, to my surprise, our friends on the other side are suggesting a flexible power, holding it here within Congress for final approval, giving to the Tariff Commission the power not only to recommend a change of rates, but even to transfer articles from the free list to the dutiable list, or from the dutiable list to the free list, and to take off all limitations except that Congress would be the final body to approve the change.

That is going away beyond anything that had ever been approached up to this time. I mention it not by way of criticism but only to indicate the growth of favor toward the idea of a tariff commission. That has come to be an established fact in our method of tariff legislation, without any doubt; and the only question between us to-day—and it does not divide party against party; it divides individuals—is not that a tariff commission should exist; I think we are generally agreed that it should exist; not that the Tariff Commission shall or shall not have the power to recommend a rate; I think that is generally agreed, on the basis that we can not scientifically make a tariff bill unless we do have the facts upon which a rate is to be determined. That can be better done by a tariff commission than it can be done by the Senate and House, and for that reason we have come to the point where a tariff commission is accepted; but where do we differ?

We agree that the Tariff Commission shall recommend. We do not all agree as to how far it shall go—whether it is to be permitted to transfer articles from free list to dutiable and from dutiable to free list. I would not be in favor of giving up that power. I would rather limit it as we have, under the conditions that every rate to be considered must be given a public hearing, so that everybody who wants to be heard on the matter can be heard. But the question that divides us is, When the Tariff Commission makes its recommendation shall it be acted upon by the President or by Congress?

I hold that it is better to have it done by the President, and some of my friends hold that it is better to have it done by the Congress. If there is danger in legislation on the tariff because of the tendency toward bargain and sale, which is always inevitable when dealing with many rates, then the question must not come to the legislature, because there is the same logrolling on an individual rate as there would be on a whole bill. Anybody can see that if the rate with which you are dealing is of nation-wide interest, its consideration will naturally stir up other industries to ask that the rates on their products be considered, and if the Tariff Commission recommends something on a particular item and it is brought to this body, there will be men here who will say, "I will consider that provided you will consider the rate on an article produced in my community, and if you do not do that, I will not consider this."

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. CONNALLY. If those are the sentiments and beliefs of the Senator from Ohio, why would he not favor giving the President absolute power to make all tariffs?

Mr. FESS. Oh, no. The Senator from Texas was not here when I was discriminating between a general policy of tariff making involving all rates, and the treatment of an individual item in the interim between the consideration of tariff bills.

Mr. CONNALLY. I heard the Senator's comment; but how can the Senator distinguish between one rate and two rates or three rates or four rates? If it is right for the President to make one rate and let that be the law, why would it not be right for him to make them all?

Mr. FESS. Mr. President, there we have the difficulty. We can see what would happen if the matter were brought to this body. It is expressed better by the Senator from Texas than I could express it. "If you are going to consider one rate here, you have to consider other rates, or we will not consider them." There is the logrolling, and that is the crime of tariff making, which we are trying to get away from.

Mr. CONNALLY. I do not want to disturb the Senator, but I think it is fair to make this observation. What the Senator from Ohio states is not true of the Senate flexible provision. Under the flexible provision recommended by the Senate, Congress could consider only those particular schedules which were reported by the Tariff Commission and by the President, and we would not have to consider all schedules. We would preserve the right of the Congress itself to fix the rates or not to fix them.

Mr. FESS. Mr. President, when we come to discussing any particular rate that is permitted in this conference report we must recall that there are 96 Senators. No Senator is bound to vote for or against any particular rate. It will be then precisely as it will be with the river and harbor bill, which we will have before us pretty soon, "If you will consider my particular section, I will be ready to vote for your particular section; but if you do not do so, I will not do that." The Senator knows that is the system under which we have been operating all the while. We had the same situation in connection with public buildings until we changed the policy a year or so ago, when we took out of the hands of Congress the power to say what particular town was to have a public building and passed a general law authorizing a certain appropriation, giving to the Treasury Department, in consultation with the Post Office Department, the power to say where the expenditures were to be made. There has been opposition to that right along the line indicated by the Senator from Texas in interrupting me, on the ground that it is being taken out of our hands to say when we are to have our particular projects considered, and that is one of the reasons, I say to my friends, who know it as well as I do, why we changed that policy.

Now we are trying to change the policy in regard to tariff legislation to tally with that policy in order to avoid the very thing from which we were then suffering.

Mr. CONNALLY. Mr. President, if the Senator will yield, the Senator from Ohio is a skillful debater, and instead of answering the point I made he gets off on public buildings.

Mr. FESS. I was using that as an illustration only.

Mr. CONNALLY. Let me suggest to the Senator that he is discussing the present flexible law.

Mr. FESS. Yes.

Mr. CONNALLY. The junior Senator from Texas undertook to direct the attention of the Senator from Ohio to the Senate flexible provision in this bill, under which the Tariff Commission and the President would make recommendations on specific schedules, and then Congress would either approve those schedules or veto them, and there would be no possibility of logrolling such as the Senator from Ohio suggests.

Mr. FESS. Mr. President, the Senator knows as well as I do that the body which made that law can unmake it, and if you are operating under any particular law which you yourself do not like you can at any time offer an amendment to the law. You do not take tariff revision out of politics by bringing it back here to this body. Of course, I do not believe we will ever take tariff revision out of politics entirely. I think that is simply impossible; but we can minimize the influence of politics; and if we want to minimize it, we will not bring the disputed points back to this body when they could be sent to another agency where there would be no chance of logrolling, as here there is a chance.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield further to the Senator from Texas?

Mr. FESS. I yield.

Mr. CONNALLY. How does the Senator from Ohio square his position now with the speech of Mr. Hoover in the campaign, at Boston, I believe it was, in which he said that he and the American people would never consent to having the tariff regulated or fixed by any commission except the commission which the people themselves elect, the Congress of the United States and the President?

Mr. FESS. The President was exactly right in that statement, and I have stated here within the hour the same proposition exactly. I have stated that tariff legislation as a matter of policy belongs to the legislature, while the change of an individual rate, 1 of the 4,000 rates, ought to be permitted without opening up the 4,000 rates, and that that ought to be

referred to a body which is not subject to logrolling. So what the President said in Boston was exactly what I am saying here.

I think my friend knows that the reason why the President made that statement was the rather broad statement which had been made by the Democratic candidate for President, who was advocating the giving of more power to the Tariff Commission than I would give, and I think a good deal more than the Senator from Texas would give. It was a reply to the statement advocating that broad authority to this particular commission. So my statement is perfectly consistent with what the President said in his speech in Boston.

Mr. VANDENBERG. Mr. President, will the Senator yield to me?

Mr. FESS. I yield.

Mr. VANDENBERG. Before the Senator leaves the point raised by the Senator from Texas, I would like to call this to his attention. The Senator from Texas argues that under the lamented Senate flexible provision it would have been possible to concentrate and confine the Senate's consideration to a single commodity.

Mr. FESS. That is what he said.

Mr. VANDENBERG. The language of the Senate provision included necessarily any commodity germane to the particular commodity involved.

I just make this suggestion to the Senator. Suppose the rate the Tariff Commission has recommended, and which we are supposed to be exclusively considering, relates to shoestrings. Shoestrings are germane to shoes; shoes are germane to leather; leather is germane to cattle; cattle are germane to the farm problem; the farm problem is germane reciprocally to the industrial problem, and the first thing you know, under this very limited revision about which the Senator talks, you have run the shoestring into a major national crisis.

Mr. FESS. I am very much obliged to the Senator from Michigan for that comment, which is pertinent.

Let me say this to the Senator from Michigan also, that when we talk about limiting any amendment to a particular item, we run against an obstacle in legislation which we ought to avoid, namely: Suppose we put a tariff upon some particular article which enters into the manufacture of other articles, and you can not touch any other article by compensatory treatment because of the limitation. That would be unsound and unworkable and unjust.

Mr. President, the whole thing is this: Shall the final approval of the recommendations of the Tariff Commission be by a body which is political, when we are trying to minimize the entrance of politics into tariff revision, or shall we leave the approval with the administrative officer, where there can be no logrolling in the matter? That is the whole question.

Mr. CONNALLY. Mr. President, will the Senator yield again?

Mr. FESS. I yield.

Mr. CONNALLY. The Senator very clearly and succinctly pointed out that Congress could not change a rate on some matter that was related to other matters in the course of manufacture without taking them all up. Will the Senator now be kind enough to say how the President can take up one item so related and fix the rate on it without disturbing the others? What is there about the presidential process that is so sublimated and so bereft of error that it can get by, whereas the poor Congress, representing the people, can not possibly do it?

Mr. FESS. Mr. President, I have served with my good friend for years and years, and I know his keen mind.

Mr. CONNALLY. I thank the Senator.

Mr. FESS. And I also know his political view. I wish the Senator would not undertake, as he and I know one another very well, to inject anything into an argument which does not belong there.

The Senator asks me how the President could avoid dealing with other articles pertinent to one that is at hand. If he were dealing with a particular article which would involve compensatory duties on others, the President would certainly refuse to approve a recommendation without having the others considered. That is the answer to the Senator.

It was thought at one time that this proposal which is being made would not bear the scrutiny of the Supreme Court as to its constitutionality. The Supreme Court in its decision in the Hampton case, which is directly pertinent here, used this language:

> It is conceded by counsel that Congress may use executive officers in the application and enforcement of a policy declared in law by Congress and authorize such officers in the application of the congressional declaration to enforce it by a regulation equivalent to law. But it is said that this never has been permitted to be done where Congress has exercised the power to levy taxes and fix customs duties. The authorities make no such distinction.

I am quoting from the opinion of the Supreme Court.

> The same principle that permits Congress to exercise its rate-making power in interstate commerce by declaring the rule which shall prevail in the legislative fixing of rates, and enables it to remit to a rate-making body created in accordance with its provisions the fixing of such rates, justifies a similar provision for the fixing of customs duties on imported merchandise.

That is a statement of the Supreme Court which is identical with the question now before us. The Supreme Court there was citing the Interstate Commerce Commission as being a body which fixes rates in obedience to a rule laid down by Congress.

I want the Senators who are interested in the constitutional provision to note this language of the court:

> If Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power. If it is thought wise to vary the customs duties according to changing conditions of production at home and abroad, it may authorize the Chief Executive to carry out this purpose, with the advisory assistance of a tariff commission appointed under congressional authority.

That is the decision of the Supreme Court of the United States which touches exactly the question of whether we can create a tariff commission with the power to recommend and then give the power to the President to approve or disapprove that recommendation. That is not the delegation by the Congress of the taxing power to some agency.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FESS. Certainly.

Mr. GEORGE. I want to suggest to the Senator, with the utmost respect and deference to the decision made by the Supreme Court in the Hampton case, that it seems to me the Supreme Court did not give due and proper weight to this thought. It is true that the rate-making power is a legislative power; that is to say, the legislative branch of the Government, State or Federal, may regulate the public carrier and fix its rates or control its rates. But until the Congress of the United States exercises the rate-making power over interstate-commerce carriers the rate making is purely a matter for the individual carrier.

The Senator agrees to that, of course. Until the Congress intervenes it is perfectly legitimate and competent for a railroad company to establish its own rates and put them into operation and exact the payment of the rates from the public for the service it renders. While it is true that Congress, by virtue of a provision of the Constitution, the interstate commerce clause, as we refer to it, has jurisdiction over interstate carriers and may regulate and fix the rates, yet until there is an exercise of that power by the Congress surely the rate-making is purely a matter for the carriers themselves.

The Senator must know that the authority to levy a tax is a power which resides in the sovereign. No individual under our system and no corporation under our system has ever had the power to tax the people or the property of the people.

Now let us go a step farther. The one power which the English-speaking people have guarded with jealous care has been the taxing power. It is true that the power to make a rate, a railroad rate, a transportation rate, a rate for the common carriers engaged in interstate commerce, is in the Congress; and it is true that the interstate commerce act has been declared and held to be constitutional. But it must always be remembered that while the Congress has power over the rates, yet until the Congress exercises it, rate making is a function and a right and a privilege of the individual carrier. But no exercise of the taxing power apart from the sovereign has ever been recognized by the people of the United States, and for a long, long number of years by those people on whom we have drawn so heavily in our theories and principles of government.

While the Supreme Court has held that Congress might delegate the power to fix the rate, not exercising a legislative function or power, but simply doing certain administrative work within the rule laid down by the Congress itself, even if the decision of the Supreme Court be recognized as sound law, does it not seem to the Senator that there is a vast difference, an immeasurable difference, between the delegation of the power by Congress to an administrative agency for the purpose of fixing freight rates and a delegation by the Congress of the power to levy and collect a tax? Even if the decision be sound, even if it be recognized as sound law, is not the difference so wide that the court should have given more weight and should

not have rested its case upon the analogy which it thought existed between the power of the Interstate Commerce Commission to regulate freight rates and the power of the Tariff Commission to fix taxes, to impose a tax, which is purely and exclusively the function of the sovereign?

The Senator knows, and knows very well, of course, that the Supreme Court will come in and examine the rates fixed by the transportation company after they have been fixed and approved by the Interstate Commerce Commission, and if those rates are confiscatory either of the corpus of the railroad property or of the income of the railroad, it will strike down those rates, because they would offend, of course, another provision of the Constitution. But when the sovereign exercises its power to tax, the Supreme Court is absolutely without power to limit or to restrict the sovereign in selecting the commodity upon which it will place its tax or the size or the amount of the tax as in the case of the tariff. I do not mean to say, of course, that the Supreme Court has not declared tax laws unconstitutional, but the Supreme Court can not under the Constitution by any possibility reach the question of whether the Congress should levy a duty upon long-staple cotton or whether it shall levy a duty of 7 cents or 10 cents or 25 cents or $1 a pound.

So it seems to me, Mr. President, and I say it with all respect to the court, that the court entirely overlooked the broad, the essential, the fundamental difference between the mere administration of an act relating to a matter which is the proper and legitimate subject of private contract until the Congress exercises its jurisdiction, and a case such as the flexible provision of the tariff which it had under consideration, which delegates to administrative agencies, the President, and the Tariff Commission in this case, the power to exercise the function which is purely the power of the sovereign and not of any private citizen or subject to any private contract whatsoever.

Mr. McKELLAR. Mr. President, will the Senator from Ohio yield to me in connection with the matter he has just been discussing?

Mr. FESS. I will yield to the Senator in a little while, but through the respect I have for my friend from Georgia, I do not want to yield just now. I shall be glad to yield later.

Mr. McKELLAR. Very well.

Mr. FESS. Quite naturally I always give attention to anything the Senator from Georgia says, especially along the lines of constitutional law. I can not agree with him. If I caught the full import of what he said, it would be to the effect that in the decision of the court the court had not taken under consideration all matters relevant to the case. The specific question which was before the court was the constitutionality of the flexible provision of the 1922 act.

The court went into it very extensively and reached a unanimous opinion, from which there was no dissent so far as I can find. It was specifically upon the constitutionality of such a provision. I take that, so far as the court is concerned, as final. That does not mean it may not be reviewed by the court itself.

But I do recognize that in the matter of rate making for transportation we are dealing with a semipublic agency. While the railroads are owned by private enterprise and thus operated, the service is for the public, and there is an easy way open, as I see it, for Congress to legislate on rate making, because it is in the interest of the public. That would be much more obvious in transportation than it would be in fixing duties on imports. By the greatest stretch of the imagination, that could not be made a public function such as transportation is to-day.

However, I am always glad to have the Senator from Georgia present his views on constitutional matters, and I want now to illustrate what I think will be the weakness of his position. For example, in revenue legislation we must give to the Treasury Department discretionary power, as we were proposing to give to the President certain administrative power in the matter of fixing rates upon the recommendation of the Tariff Commission. I have here the revenue law of 1928. Reading section 141, under regulation B, I find this:

> The commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary in order that the tax liability of an affiliated group of corporations making a consolidated return, and of each corporation in the group, both during and after the period of affiliation, may be determined, computed, assessed, collected, and adjusted in such manner as clearly reflects the income and to prevent avoidance of tax liability.

There is an example of general authority given by the legislative department to the executive department; and in this particular case it is to the Commissioner of Internal Revenue. His latitude is very broad, as is evidenced by the use of the words "as he may deem necessary," thus giving him discretion. The Senator will recognize that such discretion is absolutely essential in a case of this kind; it could not be otherwise.

Mr. GEORGE. Beyond all doubt, Mr. President; but he is given no discretion to fix the rate of the tax; he has no power to select the properties to be taxed.

Mr. FESS. As to that, take the tariff law of 1922. There is in that law a paragraph fixing the rate of duty on an article of cutlery, for example, scissors, at a fixed amount, say, 90 per cent. Then on surgical instruments a rate of 60 per cent is fixed. It so happens that in surgery scissors are used; and they would probably be called surgical scissors. So in the law there is one rate for surgical instruments, which is 60 per cent, and under the classification covering scissors there is a higher rate levied. The importer claimed that a given kind of scissors ought to be classified as surgical instruments instead of scissors, in order to obtain the lower rate of duty, and the court ruled in accordance with that contention.

Mr. GEORGE. Mr. President, if the Senator will pardon me, that is purely a matter of administration; a question of fact arises whether or not the given article imported is a surgical instrument; and that question is determined as all facts are determined.

Mr. FESS. The point I have in mind is that the rate is fixed by legislation, but Congress has left it to the commissioner to determine in which classification the article falls, so that if he determines to transfer it from the classification bearing the higher rate to the classification bearing the lower rate he is the determining factor.

Mr. GEORGE. He can not arbitrarily do so.

Mr. FESS. Not arbitrarily; but he does it.

Mr. GEORGE. Oh, no; his decision would be subject to review, and reversal, of course, if he rendered it without giving to the act itself a proper construction.

Mr. FESS. The Senator is correct when he says that such a decision would be subject to review by the court; that is true, but that merely means that there is a court determination instead of an executive determination.

Mr. GEORGE. Yes; but what the court would determine would be the intent of Congress itself; whether Congress intended that surgical scissors should come under the classification of surgical instruments or whether under another classification in the tariff act. So it is purely a question of fact that is raised.

Of course, there can be set up an administrative agency to determine such questions or there can be referred to any court any question of fact. So when it comes to raising the rate on scissors from 90 per cent to 100 per cent, if it be purely administrative, if the increase is made in strict accordance with the rule laid down by the Congress, and the Tariff Commission and the President merely act as agencies to find the facts, the result is the same—the tax has been increased.

The question I addressed to the Senator, or intended to address to the Senator, is this: Conceding the soundness of the decision in the Hampton case—and I do concede, of course, that the question is foreclosed by the decision; the court did pass squarely upon the constitutionality of the provision of the tariff law then under review—but conceding the soundness of the court's decision, does the Senator make no distinction in his capacity as a legislator between delegating to an agency the power to fix, for instance, freight rates, which are the legitimate subjects of private contract in the absence of congressional action, and the delegation to a similar administrative agency, let us say, of the power to raise or lower a tax, the taxing power being exclusively a sovereign power, one that we have guarded with jealous care. I am addressing the question to the Senator's judgment, if there is not a vast difference between the two situations?

Mr. FESS. I see the difference, but the difference very strongly supports the position I am taking. The difference is that in the case of the transportation of commodities, where the public has a direct interest, the discretion should not be as complete as in a case of fixing a particular duty where it is a mere business transaction. In the latter case the latitude could well be greater than in the former case, and is greater.

Now, let me illustrate what I have in mind by a few examples.

Mr. GEORGE. Mr. President, let me make this statement, and I will not interrupt the Senator further: The Senator says that the fixing of a duty is a "mere business transaction." If the Senator will pardon me, a duty is unquestionably, by every test, a tax. If the Senator wishes to import a dutiable article, he is taxed so much in order to bring that article into the country.

Mr. FESS. Mr. President, I am not going to enter into a discussion as to whether or not a protective duty is a tax; there are two schools of thought on that subject; and I know

what the Democratic school of thought is and has been for a hundred years; but opinion gained from practical experience is antagonistic to that view.

Take section 41 of the revenue act of 1928, which reads:

> The net income shall be computed upon the basis of the taxpayer's annual accounting period, * * * in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the commissioner does clearly reflect the income.

Note the latitude of discretion given to the commissioner by the words "as in the opinion of the commissioner." That discretion and power were delegated by the legislative department to the executive department, and are administered under the executive department by the Commissioner of Internal Revenue.

Running through the law with reference to internal-revenue taxation, I have called attention to section 41 of the law of 1928, which provides in part that the commissioner, "with the approval of the Secretary," may prescribe such regulations as may be necessary.

Mr. President, in the case of the war-profits tax there was a still greater latitude given to the commissioner. It was provided that where in case of a corporation ordinary tax procedure resulted in exceptional hardships the Commissioner of Internal Revenue might employ the records of representative corporations in calculating the amount of the tax to be paid by the corporation in question. That provision clearly gives a greater degree of discretion, many times over, to the commissioner than the present law gives to the President in the case of tariff duties. Discretion was given, to be exercised in determining when there was a case of unusual hardship; that was left to the commissioner. The words "unusual hardship" are in the law, and what is "unusual hardship" was determined by this executive officer. That power was delegated to him by the Congress; he was given a greater degree of latitude than it is now proposed to give to the Tariff Commission.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. McCULLOCH in the chair). Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FESS. I yield.

Mr. McKELLAR. That is purely an administrative function. The Congress fixed the terms under which the commissioner could make the examination, and having found the fact he could then act upon it.

Mr. FESS. No.

Mr. McKELLAR. Mr. President, just one further suggestion, and then I will not interrupt again.

Mr. FESS. Let me first answer the Senator's question. I will yield to him in a few moments.

Mr. McKELLAR. Certainly.

Mr. FESS. The Senator says that is purely an administrative function. Let me go a little farther. If that is purely an administrative function, let me cite this case: In an effort to get a lower rate of duty the shipper follows the practice of taking the diamonds out of the ring in order that he might ship the ring and the diamonds as separate units, which was a method of avoiding the payment of a higher duty. The ring would come in under the classification of jewelry, while the diamonds would not come in under that classification. The stones were taken out of the ring and shipped in a separate package, and were therefore declared by the shipper not to be jewelry. The reason for thus separating the ring from the diamonds was that a rate of 80 per cent is imposed on jewelry, while the rate on diamonds is 20 per cent. That case went to the commissioner, who rendered a decision that finally went to the court, where the decision of the commissioner was sustained.

Mr. McKELLAR. That was purely administrative.

Mr. FESS. No, Mr. President, that was not purely administrative; that was a determination on the part of the commissioner as to which particular classification the articles fell under. He said that they fell under the classification of jewelry, and not in the other. Of course it is not merely administrative.

Mr. McKELLAR. If the Senator will yield further, let me say that loose diamonds bore a rate, and bear a rate now, of 20 per cent, while set diamonds bear a rate of 80 per cent. Of course the commissioner must decide whether diamonds that come in are loose diamonds or whether they are diamonds in rings or in other pieces of jewelry. So the decision of such a question is purely administrative.

Mr. FESS. Mr. President, I hold that it is the function of Congress to fix the rate under this classification, that classification, and the other classification; but when it comes to disputed points as to whether a particular article falls under one classification or another classification the commissioner is the one who decides in which classification the article falls, and he therefore says what duty shall be paid upon the particular article.

I will cite another example—and I have taken cases that have been in dispute. In the tariff act a certain duty is placed upon blankets under the woolen schedule and another and different duty is fixed upon embroidered goods. A shipper of blankets followed the practice of embroidering the name of his firm or the type of the blanket or some particular identifying words in one corner of the blanket. The question arose whether a blanket with such embroidery should come in as embroidered goods under the classification covering such goods, or as a woolen blanket under the woolen schedule. Who decides that question? The commissioner decides it, and then if the parties in interest do not want to abide by his decision they can carry the case farther up. The fact, however, that it can be carried up for final determination does not change the situation. The question involved is whether such a power can be delegated, and I do not care whether the delegation to determine the question is in the Treasury Department or in the judicial department, it is a delegation in any event; that is the point at issue.

Mr. HEBERT. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. HEBERT. I desire to call the Senator's attention to the provision of the revenue law which placed some discretion in the Commissioner of Internal Revenue, and particularly the provision which placed it in his power to say what was a reasonable basis of taxation, or words to that effect; and I desire to ask if the Senator does not think that in the application of that provision of the law the effect would be and has been to tax on one basis in one instance and on an entirely different basis in another instance, dependent upon what the Commissioner of Internal Revenue thought was just and right?

Mr. FESS. Certainly. If it is a tax, that statement would be a correct one, of course.

Mr. GEORGE. Mr. President, will the Senator yield for one more suggestion?

Mr. FESS. I yield to my friend.

Mr. GEORGE. Then I shall not interrupt the Senator again.

Mr. FESS. I am very glad to be interrupted by the Senator.

Mr. GEORGE. There is no doubt but that we must vest in all officers a very large discretion, particularly the customs officers, the officers who collect the revenues of the Government. The Congress, however, does determine, after all, whether a particular rate is to be placed upon a particular product or commodity or article; and the thing that the Congress delegates is simply the power to determine whether that commodity is under a particular clause of the tariff or under another clause of the tariff.

Mr. FESS. Is that a delegation of power?

Mr. GEORGE. That is a delegation. It is an administrative delegation, however. It is not a delegation of legislative power at all, because the Supreme Court has frequently held, of course, that Congress could not delegate legislative power; but the power to classify, the power to determine a fact, can be delegated. For instance, if an animal arrives at a port, the power must reside in the customs officer to find out whether it is a cow or a horse, and determine that fact; and when he determines that fact the duty immediately becomes applicable.

There can be no possible doubt but that under the flexible provision the rate itself is affected. It is raised 50 per cent or lowered 50 per cent, in the discretion of the body which is clothed with the power, as it finds the facts. The Supreme Court has said that in that provision there is no offense against the Constitution, for the reason that the Tariff Commission at present is a mere administrative agency to ascertain the difference between the cost of production abroad and at home and, within the range of 50 per cent up and down, to adjust the duty.

I am not quarreling with that decision. I do not think the decision is sound. I have said so before; but I say it with perfect respect to the court and recognizing, of course, the ability of the great judges who sat in that case. Even if we concede that the decision is sound, however, the delegation of power in this instance is a delegation of power which actually carries with it the right to raise or lower the tariff duty—we will not dispute about whether or not the tariff duty is a tax—and unquestionably the fixing of tariff duties is peculiarly and exclusively a function of the sovereign, the Government. The fixing of duties never has been, with us at least, within the scope of the right of individuals who might by private contract fix a rate of duty, as carriers may in the case of imposing freight rates.

What I wanted to make clear to the Senator is this: Omitting any question of the soundness of the Supreme Court's decision, conceding it absolutely, nevertheless when we delegate a power such as we are delegating to the Tariff Commission at present—and we might delegate it to anybody else; we could delegate it to the Interstate Commerce Commission if we wanted to, or to the Secretary of the Treasury if we wished to, or to anybody; we have a right to select our agency, of course; so long as some other constitutional prohibition did not rise against our freedom of choice so as to limit and restrict it, we could select any one—there must necessarily be a very broad difference, which ought, it seems to me, to address itself to the Legislature, the Congress, between delegating that kind of power and delegating to the Interstate Commerce Commission the power to fix transportation rates.

Mr. FESS. Mr. President, I have gone far beyond what I intended to say when I took the floor. I merely desired to make a statement of my view on the flexible provision.

There is nothing in the constitutional argument unless we wish to ignore an unanimous decision of the Supreme Court of the United States, actualities, and practices long since established and sanctioned by the Congress itself. It is either academic or political, but in any even wholly irrelevant.

The question, then, to be determined is simply one of policy, unaffected by other considerations. Are readjustments in individual rate schedules, made to meet changing conditions during periods between general tariff revisions, to be determined ultimately by the President, acting on the advice of the Tariff Commission, or by the Congress, acting on the advice of the Tariff Commission?

Let me reemphasize: The Congress can not undertake a general tariff revision oftener than once every seven or eight years at best unless all other public business is to be neglected and we are to suffer at frequent intervals all of the uncertainty, confusion, and costs incident to a complete revision of rates. Nor is it disputed that in the interim the new situations which arise almost from month to month in an economic world in which revolutionary changes are the rule rather than the exception will render many established rates obsolete overnight. The dynamic character of our economic life demands flexibility in the adjustment of tariff schedules to basic needs to a degree that can not be achieved by periodic revision of tariff legislation by Congress. Under rapidly changing conditions it is uneconomic and unjust to freeze tariff rates over long periods of time. Moreover, provision should be made for correcting such errors as are bound to creep into any tariff revision and to make possible the revision of schedules which experience has demonstrated are out of line with actual conditions.

It is contended that the interim revision of individual schedules can be accomplished by the Congress, acting on the advice of the Tariff Commission; but this possibility is clearly subject to the gravest doubt. If the schedule in question is one of first-rate importance, affecting interests nation-wide in scope, a revision of such schedule will almost inevitably lead to revision of other schedules in a continuously widening circle, until the entire tariff law will be reopened. On the other hand, if the problems that arise relate to narrow, albeit important fields, essentially local in character, they are hardly likely, if experience counts for anything, to receive consideration at the hands of the Congress burdened with an ever-increasing responsibility for all manner of public interests and problems of great importance to the Nation as a whole. In either event, where promptness is essential, delay and uncertainty appear inevitable. With the responsibilities of the Government growing from day to day, there is unquestionably increasing need for a most efficient and expeditious handling of governmental affairs, particularly of the business which must be conducted by the Congress. The exigencies of this situation have already been recognized to a considerable degree, and there are many examples of the advantages to be realized from the Congress availing itself of organized and specialized assistance in the handling of purely administrative undertakings. Only by the delegation, wherever possible, of administrative detail to its properly constituted agencies can the Congress hope to continue to exercise its vast powers and to fulfill its heavy responsibilities with wisdom and full effectiveness. This is especially important in connection with tariff legislation, because the tariff problem becomes increasingly intricate year by year.

It is important to distinguish between two aspects of tariff problems, highly different in their implications, and both of great importance. On the one hand, each tariff rate may be considered as a factor of greater or less importance directly affecting the competitive situation in which certain specific commodities are produced and marketed. When considered by itself, a single tariff rate is of direct and vital concern often to a restricted number of individuals or to relatively limited areas. When Congress is forced not only to deal with matters of general tariff policy but to grapple with the entire rate structure with all its intricacies, it is almost inevitable that its disposition of many rate problems of direct and important bearing upon relatively localized situations, and of peculiarly sectional nature, will reflect the narrower rather than the broader interests at stake. Many rates are almost certain to be dealt with largely from the point of view of constituencies and sectional interests—a point of view which is admittedly inadequate for the development of a well-balanced tariff rate structure. Although the direct effect of all tariff rates is apt to be limited to a relatively small circle of commodities or business interests these rates taken as a whole often affect in a very vital manner the general setting in which individuals engage in production and trade. Only by taking this broader view of the tariff problem is it possible to deal adequately with its national and international aspects.

Clearly, the Congress is fully competent to determine national tariff policies. In fact, it is in the establishment of principles and objectives in relation to which rates shall be fixed that Congress should see its major interest and responsibility. It would seem equally clear that the translation of that policy, over a considerable period of years, consistently and impartially into actual tariff rates is a task which, by virtue of its inherent complications and difficulties, and because of the breadth and importance of congressional responsibility in other fields, might better be performed by an administrative agency, a commission of tariff experts. Such a commission should subject tariff matters to continuous and scientific examination, and upon the basis of such examination recommend necessary rate changes within the limits fixed by the Congress.

The important bearing of tariff legislation upon the commercial and industrial activity of the Nation, the need for constant examination and adjustment of tariff rates and schedules to changing economic conditions, and the need for continued effort to improve the methods by which the Congress fulfills its responsibility in regard to such exacting matters as tariff legislation, recommend the continuation and perfection of the flexible feature of our tariff law.

The Congress, in the interest of sound administration, should recognize its own limitations. It performs its full duty when, after devoting all of its time for a year or more to the complete revision of our tariff law, it provides, within definite limits and under rules and principles which it has itself defined, the necessary machinery and procedure to meet the new circumstances bound to arise until it again has the opportunity to consider the problem in its entirety. Surely there is no surrender of legislative functions to be found in a procedure intended to make the tariff policy determined upon by the Congress continuously effective. Not only does such a course involve no inconsistency, but it meets the plain and essential requirements of our economic life.

What, then, is the businesslike solution of this admittedly complicated and difficult economic problem? Let us have a Tariff Commission composed of trained, well-qualified, and unbiased men. Let them in each instance determine the facts, and, based on those facts and the principles and rules laid down by the Congress for their guidance, make their recommendations to the President. Give him the authority to make their recommendations effective by proclamation. This is what the proposed provision does. In addition, it provides for open hearings, and for making public the recommendations of the commission. Such a plan conforms in every respect to the fundamental principles which I said at the outset should govern the administration of a protective tariff law under present-day conditions. Making allowance for the fallibility of human judgment, and the admitted difficulty of ascertaining with absolute accuracy all of the controlling factors, I know of no method more likely to insure a just and expeditious result. The only discretion granted the President is to accept or reject the recommendations of the commission. Surely he can be trusted to exercise good judgment, particularly when by virtue of his office he is in a position at all times to visualize in their broadest aspect and perspective the industrial and commercial needs of our country, not only at home but in their relations with the rest of the world.

The interests of the country will best be served if, after Congress has laid down a policy and enacted a general rate revision, subsequent readjustments are brought about solely on the basis of economic considerations, and free from all of the political and partisan controversy which history has demonstrated is inseparable from legislative tariff revision.

Mr. McKELLAR. Mr. President, before the Senator concludes I desire to call his attention to the fact that in the very Hampton case in Two hundred and seventy-sixth United States Reports, from which the Senator read, in my judgment Chief

Justice Taft, quoting an opinion from the Senator's own supreme court—the Supreme Court of Ohio—laid down the true rule; and I am going to ask his permission to read it as it is very short.

In delivering the opinion of the court, Chief Justice Taft said:

> The true distinction, therefore, is, between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made.

All the Supreme Court held was that under that rule that particular flexible clause was purely administrative, and did not go beyond the rule which had been laid down under our Constitution. In my judgment, if this flexible clause goes beyond the one of 1922 it will be very easy for the Supreme Court to hold, under its holding here, that it is unconstitutional.

Mr. FESS. I desire to reread at this point the statement of the Supreme Court in that case, which covers this question precisely:

> If Congress shall lay down, by legislative act, an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power.

There is not anything more clearly stated than that language of the Supreme Court. The flexible provision as proposed here is an intelligible principle laid down by this body, and it does direct the President to what rule to conform; and, when it does, it does not delegate a forbidden authority. That is the language of the court from which the Senator has just quoted.

Mr. President, I had not intended to go into this subject in extenso as I have. I wanted to make clear my view, and I restate it:

First, tariffs should not be haphazard, and should not be put on a bargain counter. Tariffs should follow a well-established policy; and the power to establish that policy is Congress. That is what we are doing here.

Secondly, when a tariff is first established, there ought to be a reasonable period during which the whole thing shall not be reopened, to the destruction of business. From the nature of the case, we ought not to have tariff legislation every year, or every two years, or every three years. There ought to be a period during which there is rest for business, in the interest of employment.

Those two principles, I should think, ought to be fundamental

Thirdly, under the economic condition in which we are living, changes come overnight, so that a rate made to-day is out of place to-morrow. If there is no way in which that rate can be changed except by opening up the whole question of the tariff, then we must either freeze these rates over the period during which we do not have tariff legislation which would be of itself an unjust act or else we must submit the country to the confusion of continual tariff interruption, which is the one thing we are trying to avoid. But when this particular rate is changed in the interim, without opening up the question of the tariff, it must be changed only upon the basis of a well-established principle, namely, the difference in the cost of production—that is probably what we would say—of comparable articles between this country and our competing country; and in order to do that logically and scientifically it must be done upon data selected by a scientific body—not Congress, but a scientific body. That means that we ought to have a scientific tariff commission, made up of broad-minded men, capable of surveying facts, and from the facts making a recommendation; and in view of the fact that the tariff is so inherently political it has been injected as a political issue so often, the Tariff Commission ought to be nonpartisan or bipartisan.

It has been charged against the President that he does not want a nonpartisan or bipartisan commission. I want to correct that misinformation, because that is what it is. I happen to know, because I thought it would be better if we had an odd number on the commission, so as to avoid a deadlock, and I argued that there ought not to be an even number. The answer was, without any hesitancy, "An odd number would make it political, and we do not want a political tariff commission. An even number will prevent its being political, and we want to avoid the charge that the commission is a political body, as it ought not to be"; and that it is three to three is in line with the argument of the President when he discussed with different people that particular phase of this incident.

I never quote the President; but I do not think it is fair to allow these statements to go unanswered here, because here is a statement charging him with the very opposite of what is true.

It seems to me that there is another consideration. My good friend from Mississippi took me to task because I stated at one time that we ought to have the flexible provision in order that we might correct inequities. I used that language and used it advisedly, because when we come to tariff legislation there is so much local interest in it, there is so much individual coloring in it, there is so much of the bargaining element in it, that frequently we write in items which none of us would approve if we were left entirely free to our own judgment in the matter. There are inequities which creep into almost any legislation that comes up.

We must recall that here is a bill with 3,218 items in it, 60 per cent of which were left unchanged, but 32 per cent of them were changed, and every one of them is in some way in the interest of certain localities and individuals.

I do not know that there is any item in the bill that is unwarranted. There are some items in the bill for which I did not vote, but it would be an easy thing, without justifying any charge against anyone, to write into the bill items which might better be left out.

I thought the insertion of the long-staple cotton item was of doubtful wisdom. I think the same as to the manganese item. There are items in the bill which in a few years it might be thought were better out of it; I do not know; but if a flexible provision is written into the law, and inequities creep in, which is almost inevitable, they can be corrected through that means without throwing the whole thing into the hopper again.

Mr. President, if the flexible provision is written into the bill it will be improved to such an extent that I can vote for the bill.

## FEDERAL PATRONAGE CONTROL IN TEXAS

Mr. BROOKHART. Mr. President, some time ago the subcommittee of the Committee on Post Offices and Post Roads, of which I was chairman, reported upon conditions of patronage in certain of the States. We found a condition which we strongly condemned in Mississippi, in Georgia, in South Carolina, and also in Texas.

I am informed that the President has corrected the situation in Mississippi, Georgia, and South Carolina, but not in Texas. The referee in charge of the recommendations for appointment to Federal offices in Texas is Mr. R. B. Creager. I think he is the worst of all of the leaders of that referee crowd, because he is smart, he is shrewd, and he has worked up a more scientific scheme of coercion in collecting money from Government employees than any of the other referees in the country.

The President has not seen fit to remove Mr. Creager as referee, as I understand, although some of the Texas appointments he has recommended have not been yet presented to the Senate.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. McKELLAR. While the nominations have not been presented to the Senate, the terms of office of the present incumbents have expired, and the President has not sent any other nominations, so the same men whom we found to be crooked are still holding office.

Mr. BROOKHART. I think that is correct; they are still holding over, holding the offices.

A transaction happened in the last few days which caused me to make these observations at this time. One of the points in the testimony we took indicated that Mr. Creager was protecting certain hotels in liquor violations, and here is some testimony from Colonel Hill, a little portion of which I want to read. This related to Mr. Kingsbury, who had been recommended for postmaster at Fort Worth, I believe it was. I read from the record:

> Senator BROOKHART. What happened to him after that?
>
> Mr. HILL. He was sent to the penitentiary.
>
> Senator McKELLAR. Kingsbury was?
>
> Mr. HILL. Yes, sir.
>
> Senator McKELLAR. Had he been a prohibition officer before that?
>
> Mr. HILL. No; he had been in the oil business before that.
>
> Senator McKELLAR. These prohibition officers, do you know of their giving protection to any institutions or people?
>
> Mr. HILL. A prohibition officer, when he was a prohibition officer, told me he was giving protection to some hotels.
>
> Senator McKELLAR. What hotel?
>
> Mr. HILL. The Metropolitan Hotel at Fort Worth, and the Adolphus.
>
> Senator McKELLAR. The Metropolitan Hotel?
>
> Mr. HILL. Yes, sir.

Senator McKELLAR. And the Adolphus Hotel?

Mr. HILL. Yes, sir.

Mr. President, that was competent testimony as against the prohibition officer, who admitted he was giving protection to these hotels, and, as he claimed, that was through Mr. Creager's influence.

Since then Mr. Creager seems to have gone into another line of business down there, the lysol business; in fact, they call him "Lysol Creager" down in Texas now.

I have here a newspaper account of a transaction which occurred in this same Adolphus Hotel, which I desire to have inserted in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LYSOL VICTIM IS RECOVERING—MRS. R. L. WORKS, HOUSE GUEST IN DALLAS, TAKEN ILL AT HOTEL

Mrs. R. L. Works, of Brownsville, house guest of Mr. and Mrs. Houston Page, 3544 Roberts Street, was in St. Paul's Hospital Thursday recovering from the effects of swallowing lysol, believed to have been taken through accident Wednesday night at the Adolphus Hotel shortly after excusing herself on account of illness from a dinner party given on the Adolphus roof by R. B. Creager, of Brownsville, national Republican committeeman, for a number of friends.

Mr. Creager made the following statement regarding the incident:

"The following friends were my guests at dinner on the roof of the Adolphus Hotel Wednesday night: Mr. and Mrs. Houston Page, Dallas; Mr. and Mrs. J. C. Snipes, of Dallas; G. Degraffenreid, of Dallas; Mrs. C. G. Watson, of Brownsville; Mrs. R. L. Works, of Brownsville. Mrs. Watson and Mrs. Works were the house guests of Mrs. Page.

BECOMES INDISPOSED

"Mrs. Works became indisposed at the table, and at the suggestion of one of the other ladies, went to my suite to rest. After an interval, two of the other ladies followed her to the suite to ascertain how she was feeling, and shortly thereafter the balance of the party followed. In some manner unknown Mrs. Works had obtained a small bottle of lysol, and in the belief of all of the other members of the party, through mistake, she undertook to gargle her throat, evidently swallowing a portion of the liquid.

"Mrs. Works is the wife of a prominent physician of Brownsville and a lady of the highest standing. None of her friends believe the taking of the liquid was other than an unfortunate accident.

"I am informed Mrs. Works is resting easily at a local hospital, with every chance of recovery."

Mr. BROOKHART. Mr. President, I have an affidavit from the ambulance driver of the Emergency Hospital——

Mr. CONNALLY. Mr. President, reserving the right to object to the insertion of this article in the RECORD, is that an account of an episode which occurred in Dallas?

Mr. BROOKHART. Yes.

Mr. CONNALLY. Does the Senator think it is quite appropriate to put a thing like that in the RECORD?

Mr. BROOKHART. I think so; under the circumstances, yes.

Mr. CONNALLY. It is a newspaper report, unsubstantiated.

Mr. BROOKHART. I am following that with an affidavit of a witness who covered the facts. It is not a hearsay story altogether.

This affidavit shows that Mr. Creager had liquor there in his room. He seems himself, from all these circumstances, to have cut the screen and thrown the lysol bottle out into the street after this transaction. But the liquor was still there when this ambulance driver of the Emergency Hospital went in.

I think this evidence is sufficient to warrant the Department of Justice in investigating Creager's protection of the liquor business in Texas. I also want to call the President's attention to this situation. I want him to know specifically what kind of a referee he has.

I ask that this affidavit be inserted in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

DALLAS, TEX., *May 29, 1930.*

*To whom this may concern:*

On May 21, 1930, at 12.30 a. m., the Emergency Hospital received a telephone call from room 1507, Adolphus Hotel. The surgeon on duty got in the ambulance with me, and I drove to the hotel. The room clerk and other employees at the desk in the lobby knew nothing of the incident, and we caught the elevator. When we arrived at 1507, Mrs. Works was lying on the bed. She appeared to be unconscious. I saw four bottles of milk in the room in which she lay. In a glass I found a mixture of milk and liquor. We pumped out her stomach. While we were in the room working on Mrs. Works, a man walked in the room. He said: "More doctors and less publicity." I then went after a policeman downstairs. I told a policeman some one had taken lysol, and he said he had found a lysol bottle and a glass on Akard Street. They had been thrown from a window of the hotel after Mrs. Works took the lysol. When I returned alone a few minutes later, I went into the next room to 1507, which was connected by an open door. The room was one of three in Mr. R. B. Creager's suite. I saw 2 full pints of white liquor on a desk. I saw part of 1 pint on a dresser. Several glasses and two ginger-ale bottles were on the dresser. Two women and three men were in the room. They were sitting down. They then all walked into the room where the surgeon was working on Mrs. Works.

FRANK BRYANT,
*Emergency Hospital Ambulance Driver.*

Subscribed and sworn to before me this 29th day of May, A. D. 1930.

[SEAL.]

FELDA LEE,
*Notary Public, Dallas County, Tex.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House further insisted on its disagreement to the Senate amendments in disagreement, as incorporated in House Report No. 1326 of April 28, 1930, to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAWLEY, Mr. TREADWAY, Mr. BACHARACH, Mr. GARNER, and Mr. COLLIER were appointed managers on the part of the House at the further conference.

THE MERCHANT MARINE

The Senate resumed the consideration of the bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, the pending question being on the amendment of the Senator from Tennessee [Mr. McKELLAR] as modified.

Mr. COPELAND. Mr. President, this bill has been before the Senate for a long time, but it has not received any attention from this body for a week past. No doubt the large and enthusiastic body of Senators present will be glad to be reminded as to what the bill is, and what it is all about.

There is pending here what is known as the White bill, and it is fathered in the Senate by the senior Senator from Louisiana [Mr. RANSDELL]. This bill proposes certain changes in the mail contract law. Its purpose is to make possible the granting of a mail contract to the Mississippi Steamship Line, a line operating out of New Orleans. A company made up of local citizens, men of high standing and ability in the professional world, have assembled a personnel of men familiar with the shipping industry who apparently are well qualified to operate this line running from the Gulf to South America.

If this measure does not pass, the Postmaster General will be obligated to let the contract to the Munson Line, a line officered in my city, and a very successful steamship line, and, of course, one amply able to carry on in the most efficient manner the carriage of mail from the Gulf to South America.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. The Senator does not mean that the so-called White bill applies solely and alone to giving the Postmaster General authority to accept the Mississippi Steamship Co.'s bid?

Mr. COPELAND. That is exactly what I mean.

Mr. McKELLAR. It applies to many other contracts or any other contracts, all contracts where the Shipping Board sells ships. If it applied only to that one line, there would not be an objection to it. It applies to other lines and would allow the same thing done in that case to be done in any case.

Mr. COPELAND. Mr. President, it is because the Senator from Tennessee, usually so alert, so abreast of all legislation, and so progressive, has fallen on error in this matter, that I feel it necessary to reply at some length to the question he has just asked me.

Before making that reply, let me say to the Senate for the benefit of the interested Senators here in such large numbers that the amendment presented by the Senator from Tennessee, and without which, he assures us, the bill can not pass—and unless it is added he has threatenings and slaughter promised for all other legislation of similar nature——

Mr. McKELLAR. Oh, no, Mr. President; we will not go that far. I am perfectly willing to stop at slaughter of this measure, which is an unholy measure in its present state.

Mr. COPELAND. Very well; we will confine it strictly to the measure before us at the present time.

The Senator has proposed an amendment, an amendment which in its present form is a duplicate of the so-called Davis

bill, a bill which passed the House of Representatives and which came over to the Senate Committee on Commerce, but which received so little support from that committee that it has remained in the pigeonhole ever since it was presented.

When there was pending in the House the Davis bill, which the Senator from Tennessee has duplicated in his amendment to the White bill, there were lines which had mail contracts, notably, the United Fruit Line, the Grace Line, the International Mercantile Marine, Barber & Co., and Moore & McCormick, operating the line running to Norway and Sweden. The five lines I have named, together with the Munson Line, which is directly affected and the only one remaining operating foreign ships, had not then received mail contracts. Had the Senator from Tennessee presented his proposal some months ago it would have been an appropriate matter for consideration by the Senate and we might justly take all of the time we have wasted over the matter; we might even well afford to spend perhaps some more time in discussing it.

But, Mr. President, the contracts have been let to the United Fruit Line, the International Mercantile Marine, the Grace Line, and to Barber & Co. Barber & Co. operate the West African Line. The only line affected by the Senator's amendment is the one line out of the Gulf. That is my reply to the Senator from Tennessee. There is no other line involved in the discussion.

Mr. McKELLAR. If that is so, why are the other lines fighting? The Senator knows that the Munson Line and the International Mercantile Marine and the United Fruit Co. are all fighting the proposal. They are behind the fight here. Of course, I do not mean in an improper sense, but they do not want to have the measure passed. Everybody knows the Mississippi Line does not care whether it is passed or not.

Mr. COPELAND. To begin at the end of the Senator's statement, does the Senator mean to say the Mississippi Line does not care whether the bill passes or not?

Mr. McKELLAR. The Senator from Louisiana [Mr. RANSDELL], who is directly interested in the Mississippi Line, is perfectly willing that the amendment should be adopted; he does not object at all. That is what he has stated to me. The only person I know of who objects to the amendment is the Senator from New York. Some of the gentlemen from New York with whom the Senator has been in conference, notably Mr. Munson himself, say that this ought to become the law. I say it should become the law by all means. The Senator does not deny it.

Mr. COPELAND. Some irreverent man said that one man with God is a majority. It does not worry me at all to be alone. But, of course, I am not alone. Everybody in the United States who is interested in an American merchant marine is opposed to what the Senator wants to pass and enact into law.

Mr. McKELLAR. So far as I can understand, the only opponents of the measure are those men engaged in the shipping business, the majority of whose ships or quite a large number of whose ships fly foreign flags and do not fly American flags.

Mr. COPELAND. Which part of the measure is the Senator discussing now, the White bill or the McKellar-Davis amendment?

Mr. McKELLAR. I am discussing the amendment and the White bill. As a matter of fact, I am very doubtful whether the White bill ought to pass under any circumstances. It does not make any difference whom it favors. I doubt the advisability of granting great subsidies amounting to millions of dollars. There has been one contract let already which, I understand, will amount probably to something like $20,000,000. Are we going to allow the Postmaster General to grant these subsidies and draw on the Treasury to pay them as he pleases? I have my doubts about the wisdom of any such measure.

Mr. COPELAND. Of course, if the Senator feels that way about it, I would suggest that he ask the leaders on the other side of the Chamber to displace the bill and let us consider something else.

Mr. McKELLAR. I am perfectly willing. I have no objection to that course. I am not interested in the White bill. I would be perfectly willing to see it defeated.

Mr. COPELAND. I am really surprised at the statement of the Senator. If I should rise here and make such a statement, I would be accused of desiring to have the bid go to the Munson Line of my city; but when the Senator makes it, he is proposing to thwart a southern steamship line in the successful operation of a business which will do great things for the southern part of our country.

Mr. McKELLAR. The facts about the matter are these: The Postmaster General has held up this little southern line and is using it for the purpose of having great power put in his own hands, the power to let these contracts to whomsoever he will. To whom has he let them up to this date? Has he let them to any lines that need the help of the Government to build up an American merchant marine? Not at all. He has let them ordinarily to the richest and most powerful shipping lines in the country. According to the Senator's own statement, he has recently let contracts to the Munson Line, the International Mercantile Marine, and the United Fruit Co., which together are flying more foreign flags than they are American flags; and yet the Senator talks about using this measure to build up the American merchant marine.

The thing that is trying to be accomplished here is to use this little Mississippi company, toward which the Postmaster General has acted unfairly and unjustly and in my judgment illegally, to get the enormous power that he wants. He is using that as a bludgeon to force the Senate into passing this measure, which will allow him hereafter to give large subsidies at his own wish, secretly and without advertisement, without publicity, and to give them to such lines as he sees fit.

I do not believe the White bill should pass. I doubt very much whether I would vote for it even when it is hedged about with the safeguards of the amendment I have offered. It would be a fine thing if the Senate would defeat the entire bill.

Mr. COPELAND. Let us see how unfairly the Mississippi Line has been treated.

Mr. McKELLAR. If it has been treated unfairly—and I think it has; I think it has a just claim against the Government—I, for one, as a member of the Committee on Appropriations, and I am sure the Senator from New York, who is also a member of that committee, would vote to appropriate enough money to make sure that justice was done to that company. But when we are called upon to enact legislation inimical to the best interests of the country by using such means as these, it seems to me it is perfectly outrageous.

Mr. COPELAND. The Senator speaks feelingly.

Mr. McKELLAR. I am very much against the bill, as the Senator understands.

Mr. COPELAND. I gained that from the Senator's remarks.

Mr. McKELLAR. I think the International Mercantile Marine and the Munson Co. have been spending a great deal of money having shippers and personal friends and social friends and every other kind of friends, people who know nothing in the world about the bill, send the Senator from Tennessee telegrams about it. I resent it. I resent any such action upon their part. It savors of what was done in connection with the Grundy tariff bill. When some one wants to bludgeon a Senator, he has somebody in Washington get somebody in New York to send out telegrams urging that a certain Senator be flooded with telegrams to make him vote a certain way.

Mr. COPELAND. Does the Senator make the same application of that statement when the telegrams come to me telling me not to vote for the tariff bill?

Mr. McKELLAR. No; I do not.

Mr. COPELAND. That is different, is it?

Mr. McKELLAR. When the telegrams come from Tennessee, I am frank to say, I like the people who send them, and I have replied to them. But others that come from other places I have dropped into the wastebasket where they belong.

Mr. COPELAND. I wonder what was the attitude of the Senator toward the tariff telegrams?

Mr. McKELLAR. It was just exactly the same. I did exactly the same thing with those. When they come from my State I treated them with the greatest respect and consideration as is my duty. When they come from other parts of the country I drop them into the wastebasket.

Mr. COPELAND. What would the Senator advise me to do about 5,000 telegrams which I have received since yesterday morning urging me to vote against the tariff bill?

Mr. McKELLAR. I think the Senator, without regard to those telegrams, ought to use his good hard common sense, he ought to use his good judgment, he ought to use his sense of right, and he ought to vote against the iniquitous tariff bill which has been brought here in the way it has been submitted to us. I hope the Senator will disregard the question of telegrams from everybody and anybody, and use his own good judgment and vote against the bill.

Mr. COPELAND. The Senator thinks the telegrams are all right so long as they come on that side?

Mr. McKELLAR. Oh, no; I think it is a very foolish thing for people to do. Where people do not have any knowledge of what they are telegraphing about and yet send telegrams under those circumstances, I think it is a very foolish practice. I do not believe that it does any good. It is just a method which the lobbyists here in Washington have of attempting to deal with Senators. The lobby business is a perfect outrage upon

the Senate of the United States. Senators ought not to undertake to answer all the telegrams that a little lobbyist sitting here in the gallery causes to be sent by telegraphing out to people in his State or in other States. He manages in some way to get a list of the Senator's friends back home and wires them asking them to telegraph the Senator, and all that kind of thing. I think it is a wrong practice. They do not know what they are telegraphing about half the time.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator will state it.

Mr. COPELAND. Have I lost the floor?

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. McKELLAR. If the Senator has lost the floor, I will suggest the absence of a quorum.

Mr. COPELAND. I hope the Senator will not do that.

Mr. McKELLAR. No; I will not do it if the Senator does not wish it.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. COPELAND. I am very much interested in what the Senator said about telegrams. One of the great newspapers in my city runs a 3-column block on the front page every day with a little letter addressed to "Dear Senator COPELAND." Then it gives me advice about how I should vote on the tariff bill.

Mr. McKELLAR. I am quite sure that the paper is very friendly to the Senator and tries to advertise him. I have no doubt it does advertise him very much. I do not think the Senator ought to object to a thing like that at all.

Mr. COPELAND. I have not objected. It is the Senator from Tennessee who is objecting. I am not objecting. I want to say to my friend from Tennessee that the paper gives me this little message every day, and then at the bottom says to its readers:

If you agree with what we say, send a telegram to Senator COPELAND. We print underneath this letter duplicates of the Western Union telegraph blank and the Postal Co. telegraph blank. You can send this as a night message for 30 cents or as a day message for 36 cents. Then we advise that you give the other blank to one of your friends to send the Senator.

Mr. McKELLAR. Mr. President——

Mr. COPELAND. Just a moment. Yesterday the local representative of that great newspaper, a friend of mine of whom I am very fond, came to me and asked if I would consent to be photographed with this stack of telegrams. I said, "Certainly." Then I took the telegram written by the editor, held it in my hand while the photograph was taken, and then sent this little message to him:

DEAR ROY: It pays to advertise in the New York Telegram.

So I am satisfied that that great newspaper has many readers in my city, and I am delighted to have these messages from my constituents so that I may be rightly guided to find the true path to travel when it comes time to make a determination.

Mr. McKELLAR. If the Senator will yield, I will say, first, that the instance the Senator has just mentioned bears evidence of the truth of the statement I have often heard about the Senator, which is that he is the best advertiser in the United States. That is No. 1. In the next place, I want to say to the Senator——

Mr. COPELAND. Will not the Senator from Tennessee say "the most advertised" and not "the greatest advertiser"?

Mr. McKELLAR. Yes; I will say "the most advertised."

Mr. COPELAND. I like that better.

Mr. McKELLAR. I accept the amendment. In the next place, I want to say to the Senator that so far as telegrams of that kind are concerned, I think there is infinitely more to them than there is in the action of some lobbyist for a bill, as in the case of the White bill, going around secretly and having the friends of a Senator send him telegrams. There is nothing wrong in the method which has been suggested; it is a very good way to obtain public sentiment.

When a newspaper advertises, the advertisement shows on its face exactly what it is, so that a Senator can appraise the communications which it inspires. He knows that his constituents have seen and considered the statement in the newspaper. Of course, telegrams coming as a result of such methods are of more value than communications received as a result of the effort of some lobbyist, who undertakes to create propaganda, such as I described in the present situation. A very different situation is presented in the two cases. In the latter case I think the communications which come to Senators are of very little worth.

Mr. COPELAND. I am very much obliged to the Senator for his comment. I will take this occasion to say that it is impossible for me to reply personally to each of the letters which I have received, but I think most of the senders will receive the message that I will give their suggestions due consideration.

Mr. McKELLAR. Oh, Mr. President, the Senator ought to go farther than that; he ought to take this occasion to announce that he is going to follow the suggestions, or, whether he follows the suggestions or not, at least say that the suggestions meet his entire approval and that he is going to vote against this iniquitous bill.

Mr. COPELAND. Does not the Senator think in that case probably the newspaper would stop printing this advertising material?

Mr. McKELLAR. If the Senator is going to look at it from the personal standpoint, perhaps that is so; but I had hoped the Senator was willing to forego any further advertisement, because he has already had the benefit of the advertisement.

Mr. COPELAND. The secret involved, if there be one, will soon be revealed, because I trust we are going to have a vote on the tariff bill very shortly. For the good of the country it is time the tariff bill were put behind us, so that the country may settle down to a normal state of affairs.

Some little time ago, Mr. President, in discussing the merchant marine bill I tried to divert the thought of the Senator and to get him in a better mood. I find that that effort has been successful. Before our late exchange of pleasantries he was really speaking in so bitter a tone that I wished to straighten him out a little in his mental processes.

Mr. McKELLAR. Under those circumstances, if the Senator has such splendid thought, I think he had better not return to the White bill; he had better leave it alone and devote his time and attention to a better subject. The White bill ought not to be passed, anyway. I am inclined to think that I have done wrong; I am inclined to think that I have not done my full duty, for, instead of offering an amendment to mitigate the evils of the White bill, I probably ought to have devoted my time to defeating it absolutely. I will think it over during the night; and if I am of the same opinion to-morrow that I am to-day, I think I will try to defeat the whole bill rather than to amend it and mitigate its unfairness.

Mr. COPELAND. I hope the Senator not only will meditate over it but that he will pray over it, so that his conclusion will be sure to be right.

I wish to take this occasion, however, to reply to some of the criticisms my genial friend has passed upon certain of the great steamship operators. He took occasion some days ago to speak about the International Mercantile Marine, and to state that while it owns and operates American ships, it likewise owns and operates British ships. He also stated in effect that Mr. Franklin and his associates, the owners of this line, had a contract with the British Government by the terms of which, in case of need on the part of Great Britain, the English Government may commandeer not alone the British ships but also the American ships operated by the International Mercantile Marine. Have I fairly quoted the statement of the Senator?

Mr. McKELLAR. That was the original contract of 1902 or 1903—I think it was. I have it here. Afterwards Mr. Franklin held a conference with the Shipping Board and very kindly agreed not to turn over the American ships to Great Britain in the event of war between Great Britain and the United States. He was very gracious about it, and the contract has been modified in some such way; but as the Senator can easily see, when we give the International Mercantile Marine subsidies, those subsidies can be used for building foreign ships as well as American ships.

Mr. COPELAND. I do not think the Senator is quite generous.

Mr. McKELLAR. I may not be generous, but I am accurate in my statement. I have the contract here, which I will read if the Senator so desires.

Mr. COPELAND. No; the Senator can do that in his own time, because I am going to read a little myself.

The Senator stated that there is an ironclad agreement, or words to that effect, that in case of necessity or demand of the British Government that Government might take the British-flag ships owned and operated by Mr. Franklin and his associates and likewise the American ships. He has receded a little from that statement, but I want the RECORD to show what is the absolute fact. This question was discussed; it was a matter of concern on the part of the Shipping Board.

Mr. McKELLAR. If the Senator will permit me, before he reads, I have the contract before me, and I can read it to him.

It shows the accuracy of the statement which I made about it. There can not be any doubt about it, because it is of record.

Mr. COPELAND. Well, Mr. President, there is not any question that the Senator made the statement, and, as I said the other day, there is no question either that there was such an arrangement in the first place, or at least it was so interpreted.

Mr. McKELLAR. Yes; I did not think there was any doubt about it; I never heard it denied before. For many years when the late Senator La Follette was a member of this body on a number of occasions he brought that contract to the attention of the Senate of the United States. It has been so understood and agreed by all informed persons, I think, ever since.

Mr. COPELAND. As a matter of fact, Mr. President, the contract was entered into years ago between the International Mercantile Marine and the British Board of Trade. But on the 8th day of June, 1921—and that is a long time, nine years ago—an agreement was entered into between the commissioners for executing the office of high lord admiral of the United Kingdom of Great Britain and Ireland and the Board of Trade, and so forth, and the International Mercantile Marine Co. I am going to ask that two pages relating to that agreement be inserted in the RECORD.

I will simply briefly refer to it. I quote:

As from the date hereof the principal agreements shall be read and construed as if there were excluded therefrom any and all vessels documented under the laws of the United States of America, to the end that the principal agreements shall not affect or apply to the ships under the flag of the United States of America which are at any time operated by the parties hereto of the second part or by any company under their control which is not a British company.

That quotation is found on page 1738 in what is known as Appendix G–1 of the document I hold in my hand. I ask to have printed in the RECORD, beginning on page 1736, the resolution adopted by the United States Shipping Board, March 3, 1921; and then Appendix G–1, the agreement executed in accordance with the resolution which will be found on page 1737 and page 1738.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

(Appendix G)

RESOLUTION ADOPTED BY THE UNITED STATES SHIPPING BOARD MARCH 3, 1921

Whereas a hearing was granted the International Mercantile Marine Co. by the United States Shipping Board with reference to a certain agreement dated August 1, 1903, between the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland and the Board of Trade (for and on behalf of His Majesty's Government), the International Mercantile Marine Co., and certain British companies, which said agreement provides among other things:

(a) "The term 'the association' hereinafter used means the parties hereto of the second and third parts and also includes any other company corporate or unincorporate, partnership, body, or person, whether British, American, or other foreign, by which any arrangement is admitted to or brought under the control of the association or any of its constituent parts for the time being."

(b) "PAR. 8. If at any time hereafter during the continuance of this agreement any other company, whether corporate or unincorporate, partnership, body, or person whether British, American, or other foreign shall be admitted to or brought under the control of the association or any of its constituent parts for the time being the association shall give notice thereof to His Majesty's Government and shall furnish all such particulars with regard to terms, parties, or otherwise as the Government may reasonably require."

(c) "PAR. 10. This agreement shall have effect for 20 years from September 27, 1902, and shall continue in force thereafter subject to a notice of five years on either side (which may be given during the continuance of this agreement), provided that His Majesty's Government shall have the right to terminate this agreement at any time if the association pursue a policy injurious to the interests of the British mercantile marine or of British trade."

(d) "PAR. 12. In case of any difference as to the intent and meaning of this agreement or in case of any dispute arising out of this agreement the same shall be referred to the Lord High Chancellor of Great Britain for the time being, whose decision, whether on law or fact, shall be final."

And whereas it was developed at said hearing that although said International Mercantile Marine Co. is owned practically in its entirety by citizens of the United States, yet that certain contract and agreement dated August 1, 1903, together with certain agreements supplementary thereto between the parties above stated is regarded by the United States Shipping Board as inimical to and not in harmony with the policy of the United States of America with respect to the development of its trade and commerce and merchant marine and at variance with both the letter and the spirit of the merchant marine act, 1920.

*Resolved*, That the International Mercantile Marine Co. be, and it is hereby, requested and directed by the United States Shipping Board to so amend the said agreement of August 1, 1903, together with agreements supplementary thereto, as to exclude therefrom any and all vessels documented under the laws of the United States, to the end that said agreement and supplements thereto shall not be allowed to affect or apply to the ships operated by said International Mercantile Marine Co. at any time under the flag of the United States of America; and be it further

*Resolved*, That said International Mercantile Marine Co. advise the United States Shipping Board of its conclusion with respect to this resolution.

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(Appendix G–1)

AGREEMENT EXECUTED IN ACCORDANCE WITH THE ABOVE RESOLUTION

An agreement made the 8th day of June, 1921, between the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland and the Board of Trade (for and on behalf of His Majesty's Government) of the first part, the International Mercantile Marine Co. (formerly known as the International Navigation Co.), being a corporation incorporated and registered under the laws of the State of New Jersey in the United States of America of the second part, and the Oceanic Steam Navigation Co. (Ltd.), Frederick Leyland & Co. (Ltd.) (formerly known as Frederick Leyland & Co. (1900) (Ltd.)), the Atlantic Transport Co. (Ltd.), and the International Navigation Co. (Ltd.) (all of whom are hereinafter referred to as the British companies) of the third part; whereas this agreement is supplemental to three agreements (hereinafter called the principal agreements) dated, respectively, the 1st day of August, 1903, the 1st day of October, 1910, and the 2d day of September, 1919, and all made between the parties hereto of the first and second parts and the parties hereto of the third part and the British & North Atlantic Steam Navigation Co. (Ltd.), and the Mississippi & Dominion Steamship Co. (Ltd.) (which last-named companies have since the date of the second principal agreement been finally liquidated and the whole of their assets transferred to Frederick Leyland & Co. (Ltd.)); and whereas doubts have been raised in the United States of America as to whether under the provisions of the principal agreements the parties hereto of the first part have any, and if so, what, control over vessels under the flag of the United States of America which at any time are operated by the parties hereto of the second part of by any company under their control which is not a British company; and whereas at the request of the parties hereto of the second and third parts the parties hereto of the first part have agreed to enter into this agreement for the purpose of satisfying such doubts, now it is hereby agreed by and between the parties hereto as follows:

1. As from the date hereof the principal agreements shall be read and construed as if there were excluded therefrom any and all vessels documented under the laws of the United States of America, to the end that the principal agreements shall not affect or apply to the ships under the flag of the United States of America which are at any time operated by the parties hereto of the second part or by any company under their control which is not a British company.

2. The principal agreements shall, save as expressly varied by this agreement, remain in full force.

3. This agreement shall expire or be terminable in the same manner as the principal agreements.

As witness the hands and seals of two of the before-mentioned commissioners and the seal of the Board of Trade, parties hereto of the first part, and the corporate seals of the parties hereto of the second and third parts, the day and year first before written.

Signed, sealed, and delivered by Rear Admiral Frederick Laurence Field, C. B., C. M. G., and Vice Admiral Sir Osmond de Beauvoir Brock, K. C. B., K. C. M. G., K. C. V. O., being two of the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland, in the presence of—

F. L. FIELD,
O. DE B. BROCK,
F. L. HORSEY,
*Paymaster Commander Royal Navy,*
*Secretary to Third Sea Lord.*
J. C. BOARDMAN,
*Paymaster Commander Royal Navy,*
*Secretary to Deputy Chief of Staff.*

The seal of the board of trade was hereunto affixed by the direction of the President of the Board of Trade in the presence of—

STANLEY BALDWIN,
H. D. RICHARDSON,
*Translator and Assistant Librarian in the Board of Trade.*

The seal of the International Mercantile Marine Co. was hereunto affixed in the presence of—

P. A. S. FRANKLIN,
*President and Director.*
C. R. JEEVES,
*Assistant Secretary.*

The common seal of the Oceanic Steam Navigation Co. (Ltd.) was hereunto affixed in the presence of—

HAROLD A. SANDERSON, *Director.*
ALEXR. KERR, A. C. A., *Secretary.*

The seal of Frederick Leyland & Co. (Ltd.) was hereunto affixed in the presence of—

CHARLES F. TORREY, *Director.*
GEORGE GOLDSWORTHY, *Secretary.*

The seal of the Atlantic Transport Co. (Ltd.) was hereunto affixed in the presence of—

CHARLES F. TORREY,
E. C. GRENFELL,
*Directors.*
JAMES F. HORNCASTLE,
*Secretary.*

The seal of the International Navigation Co. (Ltd.) was hereunto affixed in the presence of—

H. CONCANON,
A. B. CAUTY,
*Directors.*
FRANK CHARLTON, A. C. A.,
*Secretary.*

Mr. COPELAND. That disposes of that particular criticism of the International Mercantile Marine.

Mr. McKELLAR. Mr. President, if the Senator will permit me, right here I will state the exact facts. I quote from a statement made by the late Senator La Follette in a speech he made on August 2, 1921.

INTERNATIONAL MERCANTILE MARINE CONTROLLED BY ITS BRITISH SUBSIDIARIES

It is evident from these contracts that the International Mercantile Marine Co., so far from controlling its so-called British subsidiaries, is completely controlled by them. Think of that for a moment, if you want to know how completely the International Mercantile Marine Co. is controlled by Great Britain. It must vote the stock it holds for British directors, and, moreover, for British directors satisfactory to the British Government. The British directors in turn absolutely control the management of their companies. They route the ships, they fix the rates, they man and officer the ships with British subjects, and hold the ships at all times subject to the orders of the British Navy. They must pay to the British Government annually many millions of dollars, probably hundreds of millions, for taxes and excess-profits taxes. These British directors control their own program for new construction and for the purchase of additional ships. In short, they are British companies in every sense of the word. The only function left under these contracts to the International Mercantile Marine is to receive on its stock holdings such dividends as may be declared for its benefit by a British board of directors which is satisfactory to the British Government, and they can not receive a farthing more.

Mr. President, anyone who will examine this chart that was put into the RECORD at that time by the late Senator La Follette, and examine it in connection with the so-called modification, will find that in reality the contracts are still in existence, and there has been only a nominal change in order to meet the approval of the United States Shipping Board; but this company is a British-controlled company. Everybody knows that the International Mercantile Marine is a British-controlled company, and yet one of its subsidiaries right now is drawing three subsidies, if I remember correctly, from the American Government under this new law, and, of course, its benefits are going to a foreign country.

Mr. COPELAND. Mr. President, everybody but the Senator from Tennessee knows that he is mistaken.

Mr. McKELLAR. We will see about that.

Mr. COPELAND. The International Mercantile Marine is 100 per cent American in its ownership.

The Senator has quoted from the late Senator La Follette. Nobody in this Chamber has greater respect for his memory than I, and nobody loved him more in his life than I did. I went across the continent in order that I might be in Madison at the time he was buried, because of my great affection for the man. Great changes, however, have come about in nine years; and great changes have come about in two years. Where at the beginning of the war we had only 15 ships in transoceanic service owned by Americans—that is all—to-day we have in process of building $150,000,000 worth of American ships. That is a wonderful thing.

For my part, when I investigate why it is that we had no ships before the war and no ships after the war, and now have a state of affairs where we are building up rapidly, day by day and week by week, an American merchant marine, I inquire, Why? What has happened? It was the passage of the White-Jones Act that did it; and now the Senator from Tennessee comes here and says, "Perhaps we had better attack the appropriations," and says that he and I, as members of the Appropriations Committee, can stand out against these appropriations.

Mr. McKELLAR. Oh, no; that is not what I said at all. That might be a wise course. I am not so sure about that. I have not considered it. What I did say, however, was that if we should refuse to pass this White bill, if the little Mississippi concern down there has a just grievance against the Government, it might be infinitely cheaper for the Government to pay that company a proper amount to cover its loss than to pass this bill, which allows any number of secret raids upon the Treasury of the United States.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. VANDENBERG. On the general proposition as to whether or not ships taken into the American merchant marine under the Jones-White Act can, under any remote circumstance, by any stretch of the imagination, be responsive to any foreign control, I call the attention of the Senator from New York to section 702 (a) of the merchant marine act, which reads as follows:

The following vessels may be taken and purchased or used by the United States for national defense or during any national emergency declared by proclamation of the President:

(1) Any vessel in respect of which, under a contract hereafter entered into, a loan is made from the construction loan fund created by section 11 of the merchant marine act, 1920, as amended—at any time until the principal and interest of the loan has been paid; and

(2) Any vessel in respect of which an ocean-mail contract is made under Title IV of this act—at any time during the period for which the contract is made.

In other words, it is incontrovertible and statutory that so long as any ship is enjoying benefit under the Jones-White Act, it is for that period inevitably and incontrovertibly under the American flag.

Mr. COPELAND. And, further, let me add, when any ship is built by the aid of a loan it must be for a period of 20 years, under the American flag.

I say that the Jones-White law has been one of the most forward-looking and immediately successful laws ever enacted. I see the Senator from Washington on his feet now. I want to congratulate him once more, as I have many times before, on the enactment of this beneficent legislation.

Mr. JONES. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. JONES. I thank the Senator for his kind words. I desire to suggest, also, that even after the 20-year period the vessel could not be put under another flag without the consent of five members of the Shipping Board.

Mr. COPELAND. That is true.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McNARY. I think, after this exchange of pleasantries, this would be a good place to recess. I therefore move that the Senate take a recess until 12 o'clock to-morrow.

Mr. McKELLAR. Mr. President, before the Senator does that, in one more effort to arrange this matter, I desire to modify my amendment. I ask unanimous consent that the modified amendment may be printed and lie on the table.

The PRESIDING OFFICER. The Senator has that right.

Mr. McKELLAR. No; I would not have the right to have it printed, and I desire to have it printed and lie on the table.

The PRESIDING OFFICER. The Senator desires his modified amendment to be treated as pending rather than to have it lie on the table, does he not?

Mr. McKELLAR. Yes.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate Executive messages from the President of the United States making sundry nominations, which were referred to the appropriate committees.

RECESS

Mr. McNARY. Mr. President——

Mr. COPELAND. I yield to the Senator from Oregon.

Mr. McNARY. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Friday, June 6, 1930, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate June 5 (legislative day of May 29), 1930*

### UNITED STATES ATTORNEY

Wallace Townsend, of Arkansas, to be United States attorney, eastern district of Arkansas, to succeed Charles F. Cole, whose term expired April 13, 1930.

### UNITED STATES MARSHAL

Charles E. Allen, of Washington, to be United States marshal, western district of Washington, to succeed E. B. Benn, whose term expired March 16, 1930.

### APPOINTMENTS IN THE ARMY

The following-named cadets, United States Military Academy, who are scheduled for graduation on June 12, 1930:

*To be second lieutenants with rank from June 12, 1930*

#### CORPS OF ENGINEERS

1. Cadet Paul Frailey Yount.
2. Cadet William Arnold Carter, jr.
3. Cadet William Whipple, jr.
4. Cadet Charles Keller, jr.
5. Cadet Ralph Powell Swofford, jr.
6. Cadet James Keller Herbert.
7. Cadet Frederick Walker Castle.
8. Cadet Paul Ernest Ruestow.
9. Cadet Philip Frederick Kromer, jr.
10. Cadet Clement Van Beuren Sawin.
11. Cadet LeRoy Bartlett, jr.
12. Cadet Robert Blake Lothrop.
13. Cadet Emil Fred Klinke.
14. Cadet George Fletcher Schlatter.
15. Cadet Edward Fenlon Kumpe.
16. Cadet Robert Lynn Lancefield.

#### SIGNAL CORPS

17. Cadet William Dewoody Dickinson, jr.
22. Cadet Elmer Landen Mcguire.
29. Cadet Andrew Mark Wright, jr.
31. Cadet Albert Eugene Dennis.
36. Cadet Charles William Haas.
41. Cadet Albert Joseph Mandelbaum.
51. Cadet Francis Frederick Uhrhane.
54. Cadet James Nugent Vaughn.
55. Cadet Thetus Cayce Odom.

#### CAVALRY

27. Cadet Robert William Porter, jr.
28. Cadet John Henderson Dudley.
30. Cadet Lyman Huntley Shaffer.
52. Cadet Charles Granville Dodge.
68. Cadet Hamilton Hawkins Howze.
80. Cadet Morris John Lee.
88. Cadet Franklin Fearing Wing, jr.
89. Cadet James Owen Curtis, jr.
91. Cadet Henry Bittinger Croswell.
92. Cadet William Fletcher Grisham.
93. Cadet Phillips Waller Smith.
102. Cadet Albert Everett Harris.
110. Cadet William Henry Sterling Wright.
125. Cadet Brainard Spencer Cook.
126. Cadet Troup Miller, jr.
131. Cadet O'Neill Keren Kane.
139. Cadet Lauris Norstad.
142. Cadet Marvin Candler Johnson.

#### FIELD ARTILLERY

20. Cadet Clarence Harvey Gunderson.
21. Cadet Donald Ralph Neil.
23. Cadet Frederick Garside Terry.
25. Cadet Irvin Rudolph Schimmelpfennig.
26. Cadet James Judson Heriot.
32. Cadet William Herschel Allen, jr.
33. Cadet Howard Monroe McCoy.
39. Cadet Charles Lee Heitman, jr.
40. Cadet Louis Theilmann Heath.
42. Cadet Andrew Pick O'Meara.
45. Cadet Aubrey Kenneth Dodson.
46. Cadet Mark Edward Bradley, jr.
47. Cadet Philip Campbell Wehle.
48. Cadet Douglas Mitchell Kilpatrick, jr.
49. Cadet Wiley Duncan Ganey.
50. Cadet George Clifford Duehring.
56. Cadet Alexander Graham Stone.
57. Cadet Jacquard Hirshorn Rothschild.
58. Cadet Stuart Francis Crawford.
59. Cadet Truman William Carrithers.
62. Cadet Keith Hartman Ewbank.
63. Cadet Thomas Irwin Edgar.
64. Cadet Herbert Charles Gibner, jr.
67. Cadet Albert Mark Smith, 2d.
69. Cadet Harry Hollingsworth Geoffrey.
71. Cadet Harry Brown Packard.
74. Cadet Robert Highman Booth.
76. Cadet Mahlon Smith Davis.
77. Cadet Winfield Wilber Sisson.
81. Cadet John Joseph MacFarland.
84. Cadet Ernest Emil Holtzen, 2d.
85. Cadet Samuel Lynn Morrow, jr.
86. Cadet Albert Watson, 2d.
90. Cadet Birrell Walsh.
94. Cadet Alva Revista Fitch.
96. Cadet James Quayle Brett.
98. Cadet Percy Howard Brown, jr.
99. Cadet Paul Clark, jr.
100. Cadet Edward Sedgwick Berry.
104. Cadet Richard Churchill Hutchinson.
114. Cadet John Frank Greco.
119. Cadet George Goodrell Garton.
120. Cadet Robert Louis Brunzell.
122. Cadet Robert William Timothy.
124. Cadet Barksdale Hamlett.
127. Cadet William Ewing Grubbs.
128. Cadet William Dole Eckert.
133. Cadet Harold Eugene Brooks.
135. Cadet Bream Cooley Patrick.
138. Cadet Thomas Weldon Dunn.
144. Cadet Millard Lewis.
146. Cadet James Frederick Ammerman.
148. Cadet John Chesley Kilborn.
150. Cadet Frederick Dwight Atkinson.
152. Cadet Carl Amandus Brandt.
155. Cadet John Charles Hayden.
156. Cadet Robert Allen Ports.
157. Cadet Roderick Leland Carmichael, jr.
158. Cadet Carl Irven Hutton.
159. Cadet George Wareham Gibbs.
160. Cadet Arthur Cleveland Goodwin, jr.
164. Cadet Harold Lester Smith.

#### COAST ARTILLERY CORPS

18. Cadet Lawrence Arthur Bosworth.
19. Cadet Cyrus Lawrence Peterson.
24. Cadet Oscar Benjamin Beasley.
34. Cadet Carl Henry Fernstrom.
38. Cadet Hubert du Bois Lewis.
43. Cadet Clark Neil Piper.
44. Cadet Robert Jefferson Wood.
65. Cadet Robert Foster Haggerty.
75. Cadet Arthur Leonard Fuller, jr.
83. Cadet Harry Raymond Boyd.
87. Cadet Marvin Lewis Harding.
95. Cadet Dana Stuart Alexander.
97. Cadet Joseph Henry Twyman, jr.
101. Cadet David Hodge Baker.
103. Cadet James Sylvester Sutton.
105. Cadet James Theopold Darrah.
108. Cadet Robert Edwin Cron, jr.
112. Cadet Willis Almeron Perry.
113. Cadet Grant Eugene Hill.
115. Cadet Alden Pugh Taber.
116. Cadet Charles Joseph Odenweller, jr.
117. Cadet Edwin Sanders Perrin.
118. Cadet Neal Edwin Ausman.
130. Cadet Charles Clinton Cloud, jr.
132. Cadet Arthur Carey Peterson.
134. Cadet Paul Arthur Roy.
136. Cadet William Henry Harris.
140. Cadet Adam Andrew Koscielniak.
141. Cadet James Snow Lunn.
143. Cadet John Brazelton Fillmore Dice.

#### INFANTRY

37. Cadet Darwin Worth Ferguson.
53. Cadet Herbert Voivenelle Mitchell.
60. Cadet Walter Campbell Sweeney, jr.
61. Cadet Henry Bing Kunzig.
66. Cadet Frank Kowalski, jr.
70. Cadet John Xavier Walsh.
72. Cadet Robert James Watson.

78. Cadet Anthony Eugene Curcio.
82. Cadet Wendell Holmes Langdon.
106. Cadet Roy Ernest Lindquist.
107. Cadet Sidney Clay Wooten.
109. Cadet Ross Thatcher Sampson.
111. Cadet Archibald William Stuart.
121. Cadet Raymond Davis Millener.
123. Cadet Aubrey Dewitt Smith.
129. Cadet Frederick Reginia Weber.
137. Cadet Tom Robert Stoughton, jr.
145. Cadet Othel Rochelle Deering.
147. Cadet Leon Clarence Scott.
149. Cadet William Naille Taylor.
151. Cadet William Warner Harris.
153. Cadet Frederick Gardner Crabb, jr.
154. Cadet Buford Russell Nyquist.
161. Cadet Roy Whitman Muth.
162. Cadet Richard Shafle Freeman.
165. Cadet Jaromir Jan Pospisil.
166. Cadet Richards Montgomery Bristol.
167. Cadet Edward Irving Sachs.
168. Cadet Marshall Hill Hurt, jr.
169. Cadet Samuel Philbrick Kelley.
170. Cadet George William Lermond.
171. Cadet Norman Ray Burnett.
172. Cadet Charles Lind Olin.
173. Cadet Samuel Roth.
174. Cadet Joe Clifton East.
175. Cadet Eugene Anthony Kenny.
176. Cadet John Livingood Pauley, jr.
177. Cadet Frank Theodore Folk.
178. Cadet Robert Craig Sutherland.
179. Cadet Joseph Farrell Haskell.
180. Cadet Richard Joseph O'Keefe.
181. Cadet Carleton Merritt Clifford.
182. Cadet Noel Adrian Neal.
183. Cadet Howard Walter Quinn.
184. Cadet Raymond Charles Brisach.
185. Cadet Charley Paul Eastburn.
186. Cadet George William Rumsey Perry.
187. Cadet Clifton Donald Blackford.
188. Cadet Ephraim Melmoth Hampton.
189. Cadet Thomas Ferguson Wall.
190. Cadet Jack Griffin Pitcher.
191. Cadet James Sawyer Luckett.
192 Cadet Myron Albert Quinto.
193. Cadet Joseph Arthur Miller.
194. Cadet Ned Dalton Moore.
195. Cadet Christian Hudgins Clarke, jr.
196. Cadet Claude Emerson Jurney.
197. Cadet John Herhold Murrel.
198. Cadet Thomas Mifflin.
199. Cadet Daniel Russell Taylor.
200. Cadet James Knox Wilson, jr.
201. Cadet Francis Joseph Corr.
203. Cadet Kurt Martin Landon.
205. Cadet Gerry Leonard Mason.
206. Cadet Hubern Paul Dellinger.
207. Cadet Winston Rose Maxwell.
208. Cadet Aubrey Ellis Strode, jr.
209. Cadet Daniel Anderson Cooper.
210. Cadet Theodore Roberts Kimpton.
211. Cadet Earl Hugh Heimerdinger.
212. Cadet John Simpson Guthrie.
213. Cadet Allan Duard MacLean.
214. Cadet Richard Cloyd Parker.
215. Cadet Howard Russell Moore.
216. Cadet James Lowell Richardson, jr.
217. Cadet Francis Hill Dohs.
218. Cadet Ludlow King.
219. Cadet Eli Stevens.
220. Cadet Jacob Samuel Sauer.
221. Cadet Joseph Eakens James, jr.
222. Cadet Charles Edward Beauchamp.
223. Cadet Paul Aloysius Chalmers.
224. Cadet Thomas Kent.
225. Cadet Sory Smith.
226. Cadet Henry Estil Royall.
227. Cadet Paul William Blanchard, jr.
228. Cadet Jasper Joseph Riley, jr.
229. Cadet Theodore Francis Bogart.
230. Cadet Thad Adolphus Broom.
231. Cadet Russell Guy Emery.
232. Cadet Harry Curns Anderson.
233. Cadet Walter Edwin Ahearn.
234. Cadet Herman Wilhelm Ohme.
235. Cadet Henry Alan Winters.
236. Cadet Paul Russell Weyrauch.
237. Cadet William Holtz Diddlebock.
238. Cadet Orin Doughty Haugen.
239. Cadet Morton Elmer Townes.
240. Cadet Frederick James Simpson.
241. Cadet Charles Lewis.

APPOINTMENT IN THE PHILIPPINE SCOUTS

*To be second lieutenant with rank from June 12, 1930*

79. Cadet Maximiano Saqui Janairo.

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## HOUSE OF REPRESENTATIVES

THURSDAY, *June 5, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our thoughts ascend to where Thy glory and praise have no end. Thine are the secrets, the treasures, and the will of heaven and earth. Never allow us to be unmindful of the smallest detail of our high calling, for it is our task, to which we have pledged the honor of our being. Bless us with unmurmuring patience and mold our spirits to sober and chastened habits. Redeem us, our Father, from the ashes of exhausted resolutions and burnt-out religious fervor. O lead us on toward the highest levels of purity and dignity of character, which is the best possession of man. Settle our thoughts to-day upon the obligations we owe our country. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADDITIONAL CIRCUIT JUDGES

The SPEAKER. Yesterday the House passed two Senate bills (S. 3493 and S. 1906). Similar House bills (H. R. 6806 and H. R. 9601) were not laid on the table. Without objection, they will be laid on the table.

There was no objection.

VOCATIONAL REHABILITATION—CONFERENCE REPORT

Mr. REED of New York. Mr. Speaker, I present a conference report upon the bill (H. R. 10175) to amend an act entitled "An act providing for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended, for printing under the rule.

WAIVER OF TRIAL BY JURY

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks upon the bill passed yesterday.

The SPEAKER. Is there objection.

There was no objection.

Mr. KENNEDY. Mr. Speaker and ladies and gentlemen of the House, I wish to say at the beginning of my remarks that I have always been a stanch opponent of the eighteenth amendment and the Volstead Act, and I am absolutely and unqualifiedly in favor of their repeal. It is my intention to address Congress on every possible occasion with the hope that I may influence my colleagues to join with me in a sincere effort to strike from the statute books this oppressive and unenforceable legislation.

Some time ago President Hoover appointed a commission known as "The President's Law Enforcement and Law Observance Commission," of which Mr. George W. Wickersham, former Attorney General of the United States, is chairman. This commission was created for the purpose of investigating the administration of the courts and the causes of the great increase in violations of law.

The Wickersham Commission found the Federal courts hopelessly clogged because of the many cases arising from the violation of the Volstead act. They also discovered that no progress could be made to change this condition in our courts with the present facilities. The calendars were increasing each month instead of decreasing.

As a solution of this congestion in the court calendar situation, the committee suggested several bills, one of which provides for a waiver of trial by jury.

I would like especially to direct your attention to this "waiver bill," known as H. R. 12056.

*Be it enacted, etc.*, That in all criminal prosecutions within the jurisdiction of the district courts of the United States the trial, except as otherwise provided by law, shall be by jury unless the accused shall in open court, in such manner and under such regulations as the court may prescribe, expressly waive such trial by jury and request to be tried by the court, whereupon, with the consent of Government counsel

and the sanction of the court, the trial shall be by the court without a jury, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced upon the verdict of a jury.

SEC. 2. This act shall be in force from its passage, and all acts and parts of acts in conflict therewith are hereby repealed.

It is hoped by President Hoover's commission that the passage of these bills will restore order in our Federal courts. It has been said these commission bills offer the only solution for the unhappy conditions existing in our courts.

A casual reading of bill H. R. 12056 with its delicate phraseology might deceive one, but a more careful reading will reveal its true purpose. Can anything be more disregardful of the rights of our citizens than to place, as the first consideration, in the administration of justice, the speeding up and hasty disposition of trials? I protest most emphatically against the passage of this bill and all similar legislation, and I urge every Member around this circle to join with me in my protest.

In my home State, the State of New York, a defendant can not waive a jury trial, except in the case of misdemeanor when he is tried by a justice of the peace or a court of special sessions composed of three judges. In New York, trial by jury is not a private right which a defendant may waive. The public has an interest in the case which the defendant can not waive. The New York State Constitution provides a forum to include judge and jury. The defendant can not change the trial by limiting it to a judge. The leading case in New York is Cancemi *v.* The People (18 N. Y. 128), approved later in the case of the People *v.* Cosmo (205 N. Y. 91).

In the State courts of New York and several other States, the defendant can not waive a jury, whereas in the United States district courts in the same States, if this bill passes, a jury may, under all circumstances, be waived. If Congress is to declare the right of waiver of jury let us be sure that every defendant is thoroughly familiar with his constitutional rights. Surely the defendant should understand fully the nature of the waiver. Many defendants are illiterate and appear without counsel. Prohibition has brought many poor and lowly and ignorant defendants into the Federal courts. Their rights are just as sacred as those of the rich and intelligent. A defendant should not be allowed to waive his right to a trial by jury without the advice of a lawyer, whom, if necessary, the court shall assign to the defendant. This requirement would not impair the bill in the slightest degree, but would insure fullest justice to the illiterate defendant.

The procedure in our Federal courts concerning trial by jury should be maintained as provided in the Constitution of the United States. Do not permit any legislation to pass which will in the slightest degree transgress upon that precious heritage which was obtained only at great sacrifice by our forefathers.

If you will read the history of our country you will find that our fathers gave willingly of their blood, yes, of their very lives, that this right, the right of trial by jury, should be preserved inviolate for posterity. It is the very cornerstone of our judicial system. Without it, the poor uninformed defendant might be placed in a precarious position, his rights sacrificed, and his privileges, as provided in the Constitution, ruthlessly set aside.

The cardinal doctrine to be tried by one's peers is the corner stone of English common law and around which raged for centuries the struggle for the liberties of the people against tyranny.

In 1215 it was written:

39. No freeman shall be arrested or detained in prison or deprived of his freehold, or outlawed or banished or in any way molested; and we will not set forth against him, nor send against him, unless by the lawful judgment of his peers and by the law of the land.

This "waiver bill" has not been considered by the House to-day in a mature and wholesome fashion, but rather in a narrow, provincial manner. This bill is deserving of the most searching and painstaking consideration. When I think of the speech delivered by the gentleman from Michigan, in which he warned and threatened the Members of this House to pass this bill at the cost of displeasing those people who insist upon strict observance of the prohibition laws, I must say that I was disappointed and disgusted because he had injected the wet and dry question into this serious problem under debate.

If we have any doubt as to how the American people feel about prohibition and its enforcement, we might, with profit, consider the poll of the Literary Digest. Each day the total in favor of repeal and modification grows larger. Shall we close our eyes forever to this definite indication as to what is taking place everywhere in the United States? I urge you, ladies and gentleman of this great legislative body, to give mature thought to these conditions so that we may do something constructive at once toward a solution of the problem. My friends, may I suggest that before this session comes to a close we take some affirmative action which may lead to a satisfactory and dignified solution of the unwholesome conditions existing throughout the country as a result of the absolute disregard for the eighteenth amendment and the Volstead Act.

Let me assure you that I propose, as a Member of this House, to constantly keep this vital question before Congress with the hope that the remedies that I will suggest will meet with your favorable approval and in that way make some contribution toward correcting the evils resulting from the prohibition law and thereby eliminating the congestion in our Federal courts.

I believe the difficulty in the present administration of our courts and the confusion existing throughout our Federal court system is due, not to any fault of the part of the judiciary, but rather to the prohibition laws which are fundamentally wrong, anti-American, and distasteful to an overwhelming majority of our citizens.

Ladies and gentlemen, when I again have the opportunity of addressing you, it will be to point out a remedy for the congestion in our courts due to prohibition, and I am hopeful that I shall be rewarded by having you join with me in my efforts to relieve the country of these unenforceable and repulsive laws.

UNEMPLOYMENT

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to proceed for seven and one-half minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, ladies and gentlemen of the House, the Department of Labor, in their employment bulletin for April, 1930, reports that unemployment gained during the month of April to the extent of 0.2 of 1 per cent.

This increase in unemployment occurred in spite of the fact that the month of April was the beginning of the spring canning season.

There was a 50 per cent increase in the number of persons employed in the canning business during the month, but a total number of workers in the basic industries of the country dropped in April from 4,915,984 to 4,905,788.

In the 13 major industrial groups there were six increases in number of employment and seven decreases. The States where employment conditions have improved are California, Oregon, Washington, Illinois, Indiana, Michigan, and Wisconsin.

James E. Gray, chairman of the committee on cooperation and better business of the New York Association of Commercial Employment Agencies, said that during April approximately 1,000 men applied for every 100 jobs available, and 695 women applied for every 100 positions. Last year the number of male applicants for every 100 positions was 243, and the number of female applicants 172.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. KNUTSON. Does not the gentleman think that this is largely due to the fact that large American concerns are establishing factories abroad? For instance, Henry Ford makes all of his tractors in Ireland, and the General Motors Corporation has established large automobile factories in Germany. I am told that there are 50,000 men in Detroit thrown out of employment on that account.

Mr. BOYLAN. I have not given the matter any study; I shall later, and then will be glad to reply to the gentleman.

He also stated in the field of skilled workers in the building trades and factories the situation is still far from normal.

At the Salvation Army employment offices in New York, where many unskilled workers apply for assistance, the officials stated that they noted no improvement in the employment situation last month. Undoubtedly these same conditions exist in other large cities throughout the country.

In addition to the increase in unemployment, many men who remained on the pay roll received wage cuts, according to the figures of the Bureau of Labor Statistics.

While employment decreased 0.2 of 1 per cent, pay rolls decreased 0.7 of 1 per cent. The industries in which employment conditions improved during the month were anthracite coal, quarrying and nonmetallic mining, power, light, and general utilities, electric railroads, retail trade, and canning.

In manufacturing industries employment decreased 0.8 of 1 per cent, the bureau says.

In order to relieve these distressing conditions the junior Senator from New York [Mr. WAGNER] introduced three bills. One to provide that the Bureau of Labor Statistics shall at least once a month publish full and complete statistics of the

volume of and changes in employment, the total wage paid, and the total hours of employment in the principal industries of the country.

According to the advanced figures of the census takers in New York City, nearly 5 per cent of the population is without work.

Another bill provides for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression, and another provides for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

These three bills have been passed by the Senate and no disposition has been taken by the House. The Department of Labor recognizes the necessity of a national employment system, as is shown by their action of May 12, in opening a United States employment service in New York, limited, however, to secure employment for war veterans only.

The act introduced by Senator WAGNER provides for an employment service, national in scope, and a director general to be appointed by the President. The duties of this bureau shall be to establish and maintain a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations, and to assist in establishing and maintaining public employment offices in the several States and the political subdivisions thereof. In other words, to establish a clearing house to maintain uniform standards, to aid in the transportation of workers to such places as may be deemed necessary, for the purpose of obtaining employment. It is also provided that the service authorized shall be impartial, neutral in labor disputes, and free from political influence.

In order to obtain the benefits of the appropriations apportioned under this act, it will be necessary for a State agency to cooperate with the United States Employment Service.

To many in this House it is unpleasant to admit that the country is passing through a period of financial depression, but nevertheless, as shown by conditions and statistics, it does really exist. These statistics show that approximately 5 per cent of the workers and people of the United States are without employment. Is it not the duty of the Congress to act immediately on these bills as a means of mitigating the hardships of the unemployed and endeavoring to help them to attain a self-supporting basis?

During the past two days the entire time of the House has been devoted to expediting and facilitating the process of commitment of inhabitants of these United States to the Federal penitentiaries and jails.

I am sure that you will agree with me that it is more necessary for the House to devote at least the same amount of time to help secure employment for the needy men, women, and children of this country who seek work and who need it in order to obtain their daily sustenance.

To my way of thinking, no more important legislation can be passed by this House than that of passing these meritorious bills that will tend to relieve the distressing conditions of unemployment existing throughout our country. [Applause.]

THE TARIFF

Mr. COLE. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, this is Calendar Wednesday, and the Committee on Military Affairs has a heavy calendar. If the gentleman can cut it down to five minutes, I shall not object.

Mr. O'CONNELL. Oh, the gentleman from Iowa does not often ask for time.

Mr. COLE. Can the gentleman compromise on seven and a half minutes?

Mr. STAFFORD. I have no objection to the gentleman going ahead for five minutes at the present time.

Mr. McFADDEN. Mr. Speaker, reserving the right to object, which I do not intend to do, I would like to have 10 minutes following the gentleman from Iowa.

Mr. STAFFORD. There is the condition that confronts the Committee on Military Affairs. This day is set aside for bills from that committee. The Committee on Banking and Currency had three days, with no legislation of any great moment, while the Committee on Military Affairs has legislation that should be considered. If we are going to give the day over to general debate, well and good, but we do not want to lose any of our rights.

Mr. McFADDEN. Can the gentleman yield me 10 minutes this afternoon out of general debate on some of these bills?

Mr. STAFFORD. I think there will be an opportunity for that.

Mr. McFADDEN. Then I shall not raise any objection.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection?

Mr. COLE. Mr. Speaker, the press dispatches have carried misleading interpretations of the primary election in Iowa last Monday. I have not only taken note of these misinterpretations but my attention has been called to them, and I have been asked to make answer to them.

These press dispatches were based on a colloquy on the Iowa election, which occurred in another body of Congress, where, according to these newspaper reports, it was stated "pretty authoritatively" that one of the candidates—Governor Hammill—criticized very much the tariff bill, and severely criticized Mr. DICKINSON for having voted for it in the House; and Mr. DICKINSON was constant and vociferous in making excuses as to why he voted for the bill, that they had him gagged and fixed him in such a way that he could not keep from voting for it.

When my colleague returns to Washington he can answer such criticisms himself. But in his absence and for the sake of the truth and the effect that the truth may have on the still pending issue, I shall undertake to make such defense myself. I can say for him without qualifications that Mr. DICKINSON at no time and at no place in the campaign so happily closed for him, sidestepped the tariff bill or made excuses or apologies for it.

And I want to say for Governor Hammill, who has been my long-time personal friend and with whom my political associations have been many, that he also had the courage of his convictions on this issue. He forced the tariff issue into the campaign and he did it lustily, literally staking his fate, so far as national issues were involved, on his opposition to the pending tariff bill. He carried this opposition to the extent of including nine of Mr. DICKINSON's colleagues in the House of Representatives in his attacks on the bill.

But instead of presenting my own words, I will quote directly the words of the two candidates, as set forth in their final statements to the voters as printed in the Des Moines (Iowa) Register on the day before the primary.

Governor Hammill, in his last statement, said:

I have taken the position that the present tariff act is not acceptable to the Mid West, that it is not in keeping with the party's platform, and that a vigorous fight still awaits us on behalf of the farmer.

This, my friends, is the big issue in the senatorial primary. Iowa will comfort the Grundys by her vote on Monday or she will say to all the enemies of agriculture, "We will not submit. This fight has not been ended."

Mr. DICKINSON, in his closing statement, said:

My opposition seems to have absorbed many Democratic and many free-trade ideas in this campaign. The Iowa Congressmen, 10 in number, who voted for the Hoover tariff bill have been most bitterly assailed.

Congressmen DOWELL, SWANSON, COLE, THURSTON, LETTS, ROBINSON, HAUGEN, KOPP, RAMSEYER, and myself have been described as buccaneers.

Congressman COLE objected to these ideas of characterizing Iowa Republican Congressmen as pirates, but the opposition ignored Congressman COLE's letter and the facts that Congressman COLE presented.

Thus it happens, though it seems strange, that in a Republican primary Republicans have been denounced in Democratic language. Most of the talk which has been directed at me by the opposition sounded as if it were coming from Democratic nominees rather than from Republican aspirants.

As a Republican representing a Republican district from Republican Iowa in Congress, I have been perfectly willing to accept the condemnation of my opposition for activities which I know warrant the commendation of Herbert Hoover, my President and my party leader.

In these statements of the two principal candidates for the nomination for the Senate we have a direct presentation of the tariff as "the big issue in the senatorial primary" by one of the candidates and the acceptance of it by the other candidate.

I followed the debates throughout the campaign, and I can not recall that on the part of either contestant was there ever a deviation from the policies announced in their final statements. Governor Hammill never wavered in his presentation of his opposition to the tariff bill, and Mr. DICKINSON never avoided it or apologized for it. Throughout he stood by the record and the votes of himself and his nine associates who voted as he did both on the Hawley, or House bill, and on the final bill.

I am glad to say that both candidates were alike consistent and insistent on their indorsements of the President of the United States. In fact, they vied with each other in expressions of loyalty and devotion to Mr. Hoover and his policies. Both were profuse in their promises to hold up the hands of the administration in the Senate of the United States.

So far as national issues entered into that campaign, the tariff bill was that issue; and the verdict of the election, so far as it affected national questions, was a verdict in favor of the tariff bill.

Of course, there were many other issues that may have affected the result, and no doubt they did affect that result. Some of these issues were peculiar to Iowa, and others were of a more or less personal nature, for even when they are trivial they can not always be kept out of the larger discussions.

What the verdict was I need not state to this House for the Members because of the injection of the tariff issue, followed the news with something like breathless interest.

But I may state that the verdict was of stupendous proportions. No one saw such an outcome. On the eve of the election many astute political observers still believed that the outcome was in doubt. One newspaper called it a "horse race" up to the last moment.

Mr. DICKINSON carried the primary election by a plurality that exceeds 80,000. He had a substantial majority of all the votes cast, there being four candidates in the field. He carried all the counties of the State with only 12 missing. He carried all the congressional districts, including the eleventh, which was the stronghold of the opposition to the pending tariff bill. The latest information is that he carried this critical district two and a half to one as compared with Governor Hammill. [Applause on Republican side.]

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. COLE. Yes.

Mr. HOWARD. If I understood the gentleman correctly, he quoted Governor Hammill as saying that the election at the primary would decide whether or not Iowa was for the Grundy tariff or to the contrary.

Mr. COLE. The gentleman may call it the Grundy tariff if he wishes.

Mr. HOWARD. Certainly. I am quoting the gentleman, and I want to know whether I am right.

Mr. COLE. The governor did style it the Grundy tariff.

Mr. HOWARD. Then, the Grundy tariff was approved by Iowa.

Mr. COLE. The gentleman may call it what he pleases. But I will say to him that the injection of Mr. GRUNDY'S name is unwarranted by the facts. This tariff bill is not Mr. GRUNDY'S bill. It is not even a bill that he indorsed in his own senatorial campaign in Pennsylvania. On the contrary, he denounced it and pledged himself to upset it so soon as that could be done should he be elected to the Senate. The name of "GRUNDY" is applied to this bill for the sole effort of arousing prejudices against it. I regard Mr. GRUNDY as a Republican and a protective-tariff man, but this particular bill was not exactly the bill he wanted. So far as I know, he may believe it gives too much to the producers of food products, or at least not enough protection for the industrial consumers of such food products.

What was approved in the primary election last Monday was the pending tariff bill, and there was no mistake about it. The issue was presented fairly and squarely. The Governor of Iowa not only attacked Mr. DICKINSON on that issue, but he attacked the whole delegation from Iowa in so far as they voted for the Hawley bill and for the final tariff bill. We went to the polls on that issue unequivocally, and the verdict of Iowa is what? There was a plurality for Mr. DICKINSON of over 80,000. He carried every county in the State with only 12 missing. He carried every congressional district. There never was a verdict more clearly given than the verdict in Iowa in favor of the pending tariff bill. [Applause on the Republican side.]

Mr. SIMMONS. And it is my understanding that our colleague [Mr. DICKINSON] carried the agricultural counties and that his loss was in the cities.

Mr. COLE. With respect to that, I will say to the gentleman from Nebraska, I can not make an answer. I have not analyzed the vote in that way. But I will say that in Iowa we do not draw distinctions between rural and urban voters. We think very much alike in the cities and in the country. Our interests are the same. As to the cities, Mr. DICKINSON carried Des Moines, the capital city and the largest in population. He also carried my home city, Cedar Rapids, which is predominantly industrial. In Sioux City, I have been told, Mr. Hammill had a substantial majority, but in the great rural district of which Sioux City is the political see city, Mr. DICKINSON had a plurality over Governor Hammill. This would seem to indicate what the gentleman from Nebraska may have had in mind; that is, that Mr. DICKINSON had the support of the farmers. I understand that his plurality in the district as a whole was as 1½ is to 1. [Applause on the Republican side.]

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. COLE. Yes.

Mr. KNUTSON. And Mr. DICKINSON also carried the governor's county by a substantial majority?

Mr. COLE. That is true, I believe.

Mr. SLOAN. Does the gentleman know of any two harsher critics of the present tariff bill than Mr. GRUNDY, of Pennsylvania, and Mr. HOWARD, of Nebraska?

Mr. COLE. I do not. [Laughter.]

Mr. HOWARD. I have lived long enough to appreciate a compliment. I have been so often the subject of misrepresentation by the gentleman from Nebraska [Mr. SLOAN] that now I am much pleased, and thank him for the high compliment he now pays me.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa be given another five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. COLE. I received a newspaper "tip" this morning that a statement is about to be issued by a very industrious Democratic propagandist, Mr. Shouse, to the effect that the verdict in Iowa was one in favor of the debenture plan rather than in favor of the tariff bill. I can see that Mr. Shouse is staggered enough by the Iowa verdict to go to such extremes in an effort to explain it away.

In reply to that anticipated statement I am able to say that neither the flexible clause nor the debenture was discussed or even mentioned during the campaign by either Governor Hammill or Mr. DICKINSON. If either ever mentioned it, it was done so obscurely that it did not find its way into the newspapers. The flexible clause is generally accepted by the Republicans of the State. I have not been made aware of any opposition to it. The debenture, so far as I am aware, was mentioned in only one statement. I am sure that neither Governor Hammill nor Mr. DICKINSON ever alluded to it.

The verdict in Iowa in so far as it related to this issue was on the tariff bill as it was passed in the House, with the flexible clause in it and the debenture out of it. [Applause.]

Mr. CLARKE of New York. Do I understand the gentleman to say "Souse" or "Shouse"? [Laughter.]

Mr. HOWARD. Is it not true that one of the insistent challenges by Mr. DICKINSON to his opponent was that the governor had used State paint for painting his own barns?

Mr. COLE. I can not recall that Mr. DICKINSON ever referred to that incident. It was not important enough, I am sure, to make an issue in so important a contest. Of course, there were many local issues, many side issues, even some personalities; but the outstanding fact of that campaign, gentlemen, I repeat, was the tariff, and it was the only national issue that was injected prominently.

Mr. KNUTSON. Of the 11 Congressmen from Iowa, 10 voted for the tariff, and they have all been renominated.

Mr. COLE. Yes; that is correct. All the sitting Members were renominated, six of them without opposition. I may also state no Member of the delegation participated in the primary campaign. It was their purpose to let the contestants have a fair and open field. Even after they had been by implication, at least, included in the governor's criticisms of Mr. DICKINSON in connection with the tariff bill, none permitted himself to be drawn into the controversy. I wrote an open letter to the governor, which was widely printed, setting forth the facts with respect to the passage of the House bill. This is the letter to which Mr. DICKINSON referred to in his closing statement, from which I have already quoted. But in that letter I made no reference to the senatorial campaign as such. Mr. DICKINSON fought his fight alone.

Mr. SMITH of Idaho. As a matter of fact, the tenth member—that is, the one who voted against the tariff bill—had no opposition in the primary election. Is that correct?

Mr. COLE. Yes; that is correct. He had no opposition, for he is a very popular man in his district.

Mr. AYRES. I understand he voted against the tariff bill.

Mr. SMITH of Idaho. He had no opponent and, of course, was renominated by a large vote.

Mr. AYRES. He probably will not have much opposition in the election.

Mr. COLE. His colleagues are all glad that he was so renominated. We think he is a Republican, even if he did not vote with the rest of us on the tariff bill. In our delegation we make every member the judge of his own vote. We do not ask anyone to vote as we do, and we do not reprove him after he has voted. The gentleman from the eleventh district

[Mr. CAMPBELL] may have had the very best of reasons for casting his vote as he did. He himself was the judge of that.

But Mr. DICKINSON, when he campaigned in that part of Iowa, made the same speeches that he did in other parts of the State. He defended his own vote and the vote of his nine colleagues, and he never anywhere or at any time apologized for those votes or for the tariff bill.

Mr. DICKINSON made use of the fact that 68 per cent of all the increases in the pending tariff bill run for the benefit of agriculture, or of industries based on agriculture, while only 32 per cent of such increases run for the benefit of the so-called industries. [Applause.]

Mr. Speaker, I ask unanimous consent to include in my remarks a quotation from the CONGRESSIONAL RECORD, setting forth a colloquy on this subject in another body of the Congress. It is a direct quotation from the CONGRESSIONAL RECORD.

Mr. HOWARD. The other body that the gentleman refers to is the Senate of the United States?

Mr. COLE. I am not permitted to answer that question under House rules, as I understand them, for we are not permitted to refer specifically to what takes place in such other body.

The SPEAKER. The Chair did not understand the gentleman.

Mr. COLE. Mr. Speaker, I asked unanimous consent to include in my remarks a quotation from the CONGRESSIONAL RECORD, consisting of two or three paragraphs, setting forth in full the colloquy upon which the newspaper reports alluded to by me were based.

The SPEAKER. Is that the RECORD that the Chair saw a little while ago?

Mr. COLE. Yes.

The SPEAKER. The Chair thinks it would be improper to do so.

REFERENDUM IN NEVADA

Mr. ARENTZ. Mr. Speaker, in 1926 we had a referendum in Nevada on two questions. The other day I wired home asking for the wording of that referendum. I received a telegram in reply, and would like to insert it in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. ARENTZ. The telegram is as follows:

RENO, NEV., *June 4, 1930.*

SAMUEL S. ARENTZ,

*Member of Congress, Washington, D. C.:*

The following two questions were submitted to voters of Nevada by referendum in general election 1926:

Question No. 2: Shall Senate Joint Resolution No. 6, reading as follows—

"Senate joint resolution making application to the Congress of the United States to call a convention for proposing an amendment to Article XVIII of the amendments to the Constitution of the United States

"Whereas both by popular vote and legislative action the people of the State of Nevada are on record as favoring prohibition; and

"Whereas experience has demonstrated that the attempt to abolish recognized abuses of the liquor traffic by the radical means of constitutional prohibition has generally failed of its purpose; and

"Whereas the Congress is now powerless to enact a law upon the subject, except under such constitutional limitations as to make its remedial value extremely doubtful; and

"Whereas the Constitution of the United States requires the Congress to call a constitutional convention upon application of the legislatures of two-thirds of the States: Now, therefore, be it

*"Resolved by the Senate and Assembly of the State of Nevada,* That the Legislature of the State of Nevada make, and that said legislature hereby does make, application to the Congress of the United States to call a convention for proposing an amendment to Article XVIII of the amendments to the Constitution of the United States, and that the Congress propose the method of ratification thereof; be it further

*"Resolved,* That copies of this resolution duly authenticated be transmitted without delay by the secretary of state of Nevada to the Congress of the United States, and also to the legislatures of the several States"—be approved?

Question No. 3: Shall that part of Senate Joint Resolution No. 6, reading as follows, "Experience has demonstrated that the attempt to abolish recognized abuses of the liquor traffic by the radical means of constitutional prohibition has generally failed of its purpose" be approved?

Question No. 2 received 18,131 votes against 5,352.

Question No. 3 received 17,332 votes against 5,607.

Thirty-one thousand two hundred and forty-six votes cast in State in that election.

RENO GAZETTE.

ALLEGED PROPAGANDA IN THE SPEAKER'S LOBBY

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. I would like to inquire if the rules of the House forbid the placing of propaganda in the Speaker's lobby when no debate on the subject of the propaganda is on at the time that the propaganda is put there? And further, is it proper to put printed matter in large placarded letters in the lobby, criticizing this body?

The SPEAKER. The Chair will simply state that he ordered the Doorkeeper to remove the documents yesterday.

Mr. JOHNSON of Washington. Do I understand the Chair to say that the propaganda matter has been removed from the lobby?

The SPEAKER. As soon as it was called to the attention of the Chair it was ordered removed, under the authority which the Chair possesses under rule 1, clause 3, which provides as follows:

He [the Speaker] shall have general control, except as provided by rule or law, of the Hall of the House, and of the corridors and passages and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House, until further order.

Mr. JOHNSON of Washington. That applies to the propaganda on the lumber tariff?

The SPEAKER. Yes.

Mr. JOHNSON of Washington. Does that apply to the critical matter or is it more general, applying to, for instance, the placards with regard to the lumber tariff?

The SPEAKER. The rule is as follows:

He shall have general control, except as provided by rule or law, of the Hall of the House, and of the corridors and passages and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House, until further order.

The Chair was of the opinion that at least two of the sentences in that document were sentences which, if pronounced on the floor of the House, would have been subject to being taken down, and were not in order, and, by analogy, the Chair thinks it is even more improper to have such publications posted where no one can criticize them.

As soon as the matter was called to the attention of the Chair, the matter was ordered removed.

Mr. JOHNSON of Washington. If the Speaker will permit, I think the other matter should be removed at this time also.

The SPEAKER. The Chair does not know to what the gentleman refers.

Mr. CRISP. Mr. Speaker, I have no criticism of the Speaker having the placards removed if the Speaker saw fit, but I rise to this parliamentary inquiry: Does the Speaker hold that when a Member of the House places a statement in the lobby of the House for the benefit of his colleagues, that that Member is a lobbyist or is guilty of lobbying?

The SPEAKER. No. That is not the point at all. The point is that in the opinion of the Chair it imputed dishonorable motives to the conferees on the part of the House.

Mr. CRISP. I happened to be passing by and saw an honored Member of this House putting up the notices in the lobby, and I just wanted to know whether the Speaker was agreeing with the statement of the gentleman from Washington [Mr. JOHNSON] that the Member of the House was lobbying by placing that in the lobby?

The SPEAKER. The Chair thinks that anything which gives information is proper, but anything which imputes dishonorable motives to Members of the House, either conferees or others, is not proper.

Mr. GARNER. Mr. Speaker, I just came on the floor, and I heard my colleague from Georgia say that he saw one of the Members place these things in the corridor. Has that point been developed?

The SPEAKER. The Chair has no knowledge of who did it or how it was done.

Mr. CRISP. It was the gentleman from Illinois, Mr. BUCKBEE, who is a Republican Member of this House.

Mr. GARNER. Mr. Speaker, I want the RECORD to show, if it is a fact, who placed them there and that the Speaker removed them, or else it may be interpreted that any one of the 435 Members placed matter in the Speaker's lobby that was so offensive to the Speaker and to the Members of the House that it was removed. I do not think it should be left in such condition that each Member of the House would have to explain that he was not responsible.

The SPEAKER. The Chair does not think it makes a particle of difference who the Member was.

Mr. GARNER. Mr. Speaker, it makes a lot of difference to the membership who it was.

The SPEAKER. The Chair has no knowledge of who placed the matter there.

Mr. GARNER. I would not want to place anything in the Speaker's lobby for the information of the House that was so offensive to the Speaker that he had to have it removed, and that a Member of the House had to rise on the floor and denounce it. I think we are entitled to know who it was that placed it there. I understand my colleague from Georgia has given the name of the Member.

The SPEAKER. It would have made no difference who it was, the Chair would have caused it to be removed under the authority which the Chair possesses.

Mr. GARNER. Does the Chair know who it was?

The SPEAKER. The Chair does not.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAMSEYER. In regard to placards placed in the Speaker's lobby or any place else outside of this Chamber, I understand the Speaker has charge of the corridors and passages, including the so-called Speaker's lobby. Oftentimes placards are placed in the Speaker's lobby, touching matters that are before the House or that are likely to come before the House soon. Placards were placed there yesterday, evidently expecting the conference report with the lumber issue would be presented to the House very soon. I understand that the Speaker has control, and I presume, in view of the fact that he has control of the lobby, Members who wish to place placards there should first see the Speaker and get his consent. Is that the inference that we are to get from the Speaker's opinion which he has just expressed? Of course, the Speaker can order anything removed from the Speaker's lobby, whether in his opinion it is offensive or not.

The SPEAKER. The Chair will answer the question by saying that of the hundreds of placards which the Chair has seen posted in the lobby, this is the only one he has ever seen to which he has had any objection.

Mr. RAMSEYER. However, the Speaker has power over the placing of placards in the Speaker's lobby?

The SPEAKER. The Chair thinks he could have them all removed if he saw fit, but he certainly would not cause to be removed any placards which were intended to give information and not impute any dishonorable motives to a Member.

Mr. GARNER. Did I understand the Chair to rule that it would be against the rules of the House to utter on the floor of the House the language contained in one of the documents which was taken down?

The SPEAKER. The Chair thinks so. The Chair has sent for a copy of the matter.

Mr. GARNER. I would like to hear what it is.

Mr. JOHNSON of Washington. Mr. Speaker, I have a copy, and I ask that it be read.

Mr. GARNER. I should like to hear it.

The SPEAKER. Two of the various sentences which in the opinion of the Chair were objectionable are as follows:

3. The House conferees, in violation of the gentleman's agreement and in disregard of the positive mandate of the House, voted lumber used by the farmers on the dutiable list and poles and ties used by the public utilities on the free list.

4. The conferees are the servants of the House, not its masters. Will the Members by their votes condone the violation of the gentleman's agreement and the disregard of the positive mandate of the House on the part of its conferees?

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Just what portion of that statement is subject to the interpretation that it violates the rules of the House? If there was a gentleman's agreement made and they violated it, you have a right to recite that fact from the rostrum. The query comes: Did they violate their gentleman's agreement? The Speaker, as I understand, considers that a derogatory statement. Now, if it is not true, let somebody get up and state it is not true. The Speaker has no right to assume it is not true if a Member placed it in the RECORD and said it is true. Suppose I should get up on the floor and say the House conferees violated their agreement and acted as the masters of the House rather than its servants. Would the Speaker call me to order? No; he would not. Suppose it was a fact that they did violate their agreement and suppose they were acting as the masters of the House. I think the Chair certainly would not have the right to assume that the statements which appeared out there are not true, and I do not think the Speaker has any right to have them removed unless he knows they are untrue. If they are untrue that statement ought to be made from the rostrum before the Speaker holds that the document is subject to the criticism he has just announced. If they are true a Member has the right to utter them here. Now, the question is: Are they true?

The SPEAKER. Let the Chair ask the gentleman, if he should succeed in the high and honorable ambition he has to succeed the present occupant of the chair, would he not have such a document as that removed?

Mr. GARNER. I would first ascertain, Mr. Speaker, whether there was any truth in it. Now, if there is truth in that statement—I repeat—if there is truth in that statement, it has a right to be made, put in the lobby, and put in the CONGRESSIONAL RECORD, and I am going to put it in the RECORD. Unless somebody shows it is not true, I am going to take the floor before this Congress is over and read that into the RECORD. Now, sir, you can call me to order, and when you call me to order then the query is going to come: Is it true? Then if you show I am making a statement which is not true, I will not insist upon it; but I am going to undertake to show that it is true.

The SPEAKER. The question as to the truth of the statement is not material. Where a statement of that kind casts a doubt upon the worthiness of the motives of the conferees, then it is a question of fact. Of course, the Chair would hear the gentleman to argue it.

Mr. GARNER. I do not care to argue the question at this time. The only thing I care to say now is that if I took the floor and pointed at Mr. HAWLEY and said, "You violated your agreement," and he had violated his agreement, I would have the right to say it, and that Mr. HAWLEY was acting as our master rather than our servant. That is a statement I would have a perfect right to make in the well of this House.

The SPEAKER. The Chair was very much impressed with the idea that the gentleman from Texas, being a member of the conference, remained silent.

Mr. GARNER. I am not very thin-skinned about this thing of being called a master.

Mr. TILSON. May I ask the gentleman from Texas this question: If he and I as the minority and majority leaders had entered into a gentleman's agreement and afterwards I charged that the gentleman from Texas had violated that gentleman's agreement, would he not resent it? Would not the gentleman consider such a charge a slur upon his honor?

Mr. GARNER. Mr. Speaker, the gentleman is assuming something that could not happen, but if I had violated an agreement or if the gentleman from Connecticut ever violates an agreement with me, I will point my finger at him and tell him about it.

Mr. TILSON. I hope the gentleman will do so.

Mr. GARNER. And I would have a right to do it.

Mr. TILSON. Certainly.

Mr. GARNER. But if these gentlemen have violated a gentleman's agreement—I do not know whether they have or not, I did not make one—but if they violated a gentleman's agreement about lumber any Member of the House has the right to say so.

Mr. TILSON. But the charge is that they did violate a gentleman's agreement and I regard that as a serious charge.

Mr. GARNER. Suppose the gentleman and I have a gentleman's agreement, and as the gentleman says, I violate it——

Mr. TILSON. I do not think the gentleman would.

Mr. GARNER. Would not the gentleman have the right to tell me on the floor of the House I had violated it?

Mr. TILSON. I could not conceive of the gentleman breaking a gentleman's agreement.

Mr. GARNER. I think the gentleman is right about that. [Laughter and applause.]

Mr. TILSON. And I should certainly never charge the gentleman with breaking such an agreement.

Mr. GARNER. Mr. Speaker, may I say to the gentleman that if these gentlemen did break a gentleman's agreement, would not a Member have the right to say so?

Mr. MICHENER. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. MICHENER. Is there not a vast difference between posting up an anonymous placard in the Speaker's lobby charging that which amounts to bad faith or that which reflects upon a Member of the House, when the Member involved has no opportunity to answer, and a Member coming in on the floor here and making such a charge in the face of the Member concerned, where the truth or the untruth of the charge may be established? If the statement is shown to be untrue, then, of course, it is out of order. If it is shown that it is true, then it would be in order; and does the gentleman think that the Speaker is wrong in his ruling that a person may not post up an anonymous placard in the Speaker's lobby imputing impure or improper motives to a Member of the House and permit that

placard to stand there without contradiction or without removal?

Mr. GARNER. I have certainly never indulged in any of the demonstrations in the Speaker's lobby such as we often find out there. I undertake to say what I have to say and what information I can give from the well of the House.

Mr. MICHENER. Yes.

Mr. GARNER. And I think that is the proper place to give it.

Mr. MICHENER. So do I.

Mr. GARNER. Nevertheless, let me say to the gentleman from Michigan, if you should violate a gentleman's agreement with one of your colleagues and thereby accomplish something that you could not accomplish unless you did violate it, then your colleague has the right to say so.

Mr. ELLIS. Where?

Mr. GARNER. As I understand the statement involved in this matter—I have not the statement before me—the Member who placed the statement in the Speaker's lobby undertook to convey to the membership of the House the fact that there was a gentleman's agreement about lumber and that the conferees had violated it, and therefore had accomplished something they could not have accomplished if they had not violated the gentleman's agreement. I think the gentleman from Michigan [Mr. MICHENER] will agree with me that if that is true, and if the conferees did violate the gentleman's agreement, and if they did accomplish something they could not otherwise have accomplished, they have the right not only to speak of it but to denounce them for doing it.

Mr. MICHENER. I agree with the gentleman. I agree that this is the forum where they should be denounced, but I do not agree with the gentleman if he contends that some person, unknown so far as the article itself is concerned, may place in the Speaker's lobby, or in any other part of this Capitol, a statement which is defamatory of any Member of this body, and permit that statement to announce to the world that these particular individuals have violated their honor. I think the Speaker was doing exactly right when he ordered the placard removed from the lobby. [Applause.]

Mr. RAMSEYER. Mr. Speaker, may I say a word on this subject before we proceed further? I want to address myself to the Chair on the matter before the House.

The SPEAKER. Without objection, the gentleman may proceed.

Mr. RAMSEYER. The Chair read the third and fourth paragraphs of this statement that was in the Speaker's lobby, but the Chair did not read the first and second paragraphs. Evidently the Chair finds nothing wrong with the first and second paragraphs.

Now, I have no objection, and I do not think anyone else has any objection to having that matter removed if it hurts the feelings of anybody. I know it was not intended to be defamatory or to impute dishonorable motives. It was intended to convey to the House an important phase of the lumber issue.

The first paragraph in the statement is this:

1. The plain purpose of the gentleman's agreement was that the House and not its conferees should determine the duties on lumber.

This is a plain statement of fact. This is an interpretation placed on the agreement, that everybody in this House knows about, entered into before the bill was sent to conference; that is, that the lumber duties should be determined in the House by votes of the House and not by the conferees.

The second paragraph is this:

The mandate of the House by overwhelming majorities was that all lumber be placed on the free list.

We had a vote on logs, we had a vote on cedar lumber, we had a vote on shingles, and we had a vote on the Jones amendment. The smallest majority on these four separate votes was 106.

Mr. JOHNSON of Washington. Mr. Speaker, I rise to make a point of order. The gentleman is making a speech in his effort to try to defame and denounce the tariff bill now in conference and is not himself propounding a parliamentary inquiry.

Mr. LAGUARDIA. That is not a point of order.

Mr. RAMSEYER. I am addressing myself to the Chair on the opinion expressed by the Chair in regard to language on the placard on the Lumber Issue.

Mr. JOHNSON of Washington. I would like to be assured some time in opposition.

Mr. RAMSEYER. Let us consider these sentences together. There is no question that the effect of these four votes on logs, cedar lumber, shingles, and the Jones amendment was that all lumber be placed on the free list.

If these two paragraphs are correct and true, and I do not think they can be controverted, the third paragraph follows as a matter of course—that lumber was placed on the dutiable list and poles were placed on the free list, as expressed in paragraph 3 which was read by the Speaker.

If the first and second paragraphs are true, and there is nothing defamatory about them, it follows that the third paragraph is also true. There was no intention whatever of impugning the motive of anyone. That statement was prepared in conference by at least half a dozen, and I assume full responsibility for that statement, together with the others who were present. The fourth paragraph merely addresses a question to Members as to what they are going to do about it.

Mr. KORELL and Mr. JOHNSON of Washington rose.

Mr. RAMSEYER. In fact, my own personal inclination was to make it stronger, but it was the view of those who were present that this was simply a statement of fact to get the lumber issue squarely and forcibly before the Members of the House.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry. What is the question before the House?

The SPEAKER. The gentleman is proceeding by unanimous consent.

Mr. RAMSEYER. One issue is whether the agreement and mandate have been violated and disregarded.

Mr. CRAMTON. Regular order, Mr. Speaker.

Mr. GARNER. Will the gentleman yield for a question?

Mr. RAMSEYER. I should like to yield, but the regular order has been called for.

The SPEAKER. The regular order is demanded.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. JOHNSON of Washington. Reserving the right to object, I ask for three minutes at the conclusion of the gentleman's remarks.

Mr. GARNER. And I ask unanimous consent that I may have five minutes following the gentleman from Washington.

Mr. WOODRUFF. Mr. Speaker, I object.

Mr. RANSLEY. Mr. Speaker, this is Calendar Wednesday, and I call for the regular order.

## CONSTRUCTION AT UNITED STATES MILITARY ACADEMY, WEST POINT, N. Y., ETC.

The SPEAKER. The regular order is the business on Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on Military Affairs.

Mr. RANSLEY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 8159) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 8159, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. GARNER. Reserving the right to object, I want to go along with the committee, but with these calls for the regular order I can not give consent unless I can speak for five minutes.

Mr. RANSLEY. If the gentleman from Texas will glance at the clock he will see that the Committee on Military Affairs has been pretty patient. We have been waiting long for this day. It is now almost 1 o'clock and nearly one hour has been consumed, and we do want to take up our bills in the regular order.

Mr. LAGUARDIA. Mr. Speaker, this bill calls for an appropriation of $750 000. The membership has a right to discuss it in Committee of the Whole. It is the kind of a bill that under the rules of the House must be considered in Committee of the Whole. I hope the gentleman will not press his request.

Mr. RANSLEY. Well, Mr. Speaker, owing to objections, I will not press it. I understand the House goes into Committee of the Whole automatically.

The SPEAKER. The bill being on the Union Calendar, the House automatically goes into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The Clerk read the title to the bill.

Mr. RANSLEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LaGUARDIA. I understand the opposition to the bill is entitled to recognition for one hour.

The CHAIRMAN. The gentleman is correct.

Mr. TABER. Mr. Chairman, I ask recognition in opposition.

The CHAIRMAN. Is there any member of the Military Affairs Committee opposed to the bill?

Mr. RANSLEY. I think not.

The CHAIRMAN. Then the Chair will recognize the gentleman from New York [Mr. TABER] in opposition.

Mr. RANSLEY. Mr. Speaker, this bill has the recommendation of the Secretary of War and was reported unanimously by the Committee on Military Affairs.

Section 1 of the bill authorizes a sum not to exceed $45,000 to be expended for the completion of officers' quarters at West Point. Blue prints are on file showing that all but one wing is completed. The foundation work is in place and certain materials are on hand for use. The excess cost for the foundation of the building was caused by the contractor being forced to blast into solid rock for the foundation.

Section 2 of the bill provides for a change of the requirements at Fort Lewis, Wash. It is deemed necessary for the building program at the post. There is no increase in the fund at all.

It was originally planned to build a barracks to accommodate 2,432 men, but the program was reduced in order to provide personnel for the Air Corps, which is being increased, so that a barracks sufficient for 1,995 men is now all that is required. Sufficient accommodations for this number have been completed at Fort Lewis, and the balance of the amount appropriated in February, 1929, is available for the construction of the officers' quarters.

In the third section of the bill you will find authorized the construction and installation at Fort Benning, Ga., of a barracks for a medical detachment to cost not more than $75,000. Due to lower costs this amount will be available out of the original authorization. At present the medical detachment of 164 enlisted men is sheltered in temporary structures. In connection with the authorization a considerable saving can be made in construction cost and a better building will be secured for the sum than ordinarily would be possible, due to the fact that the present contractor is now on the grounds and will be in better position to submit a lower bid.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. RANSLEY. Yes; I yield to the gentleman from California.

Mr. BARBOUR. Authorizations have already been made for these projects and for appropriations?

Mr. RANSLEY. No; I would say not. In the first place, it is transferring from a specific purpose to another purpose.

Mr. BARBOUR. I notice in the report about this first project at West Point, there has been authorized and appropriated $216,000 for an apartment building. As I understand, this $45,000 is proposed in addition to the $216,000 that was authorized.

Mr. RANSLEY. That is true. The extra money is desired owing to the fact that the contractor found that there was solid rock and he had to blast and remove that rock before he could build foundations.

Mr. BARBOUR. Then part of the money that was appropriated for these items was used for that additional excavation work, and now additional money is asked for this work which would follow the excavation work.

Mr. RANSLEY. To be completed. It will then complete the structure as originally desired by the department.

Mr. BARBOUR. Was it a contract job or was it by day labor?

Mr. RANSLEY. That was done by day labor.

Mr. BARBOUR. Some of the work there at West Point has been done in that way.

Mr. RANSLEY. That has now been stopped.

Mr. BARBOUR. Is it generally true of the other items in the bill that these are additional authorizations required because the original authorizations were not sufficient?

Mr. RANSLEY. Oh, no. In section 2 the money is already appropriated for the original requirements there, the building of barracks to accommodate 2,432 men. However, the program was changed, and to-day they require housing facilities there for only 1,195 men. It is now proposed to build officers' quarters with the money that was left over instead of building a barracks for the accommodation of the men, because they no longer need the extra facilities for housing the enlisted men.

Mr. BARBOUR. Is this merely an authorization to use funds already appropriated for another purpose?

Mr. RANSLEY. Yes.

Mr. BARBOUR. And it does not increase the appropriation?

Mr. RANSLEY. It does not.

Mr. BARBOUR. Take the one at Fort Benning, Ga., for a medical detachment. Has that already been authorized, or is that a new project?

Mr. RANSLEY. That is also a transfer, due to the lower cost of construction than they imagined it would be. They were able to save $75,000. It is now proposed to use that at Fort Benning for another purpose. There is no extra appropriation there.

Mr. BARBOUR. It is to be used for a barracks?

Mr. HILL of Alabama. Mr. Chairman, will the gentleman yield?

Mr. RANSLEY. Yes.

Mr. HILL of Alabama. It is to be used for a medical detachment barracks. It was originally appropriated for the construction of a barracks at Fort Benning. Due to the economy they practiced, and to a decrease in the cost, they were able to save $75,000 from the appropriation for the hospital. Now they seek to use it for a medical detachment barracks.

Mr. BARBOUR. There were hearings on this matter?

Mr. HILL of Alabama. Oh, yes.

Mr. BARBOUR. Is this building a part of the general construction program at Fort Benning?

Mr. RANSLEY. Yes. General Summerall appeared before the committee and made a personal plea that we have this bill introduced and do our utmost to have it passed.

Mr. BARBOUR. I call the attention of the chairman to another matter in the report. On page 2 it is set out that under the Fort Lewis item there are included in this amount to be appropriated sums for water and sewer connections, electric connections, connecting roadways and walks, and drainage, and those provisions are also made in connection with the noncommissioned officers' quarters.

Mr. RANSLEY. Yes. Blue prints and specifications that can not be crowded into a report will be furnished the gentleman's subcommittee explaining fully what could not really be printed in a concise and readable report.

Mr. BARBOUR. May I say this to the gentleman, that there has been some difference of opinion as to just how far these amounts for construction of quarters and barracks should go in providing electrical wiring and water connections and things of that kind. There has been some misunderstanding as to the extent to which the fund appropriated should be applied. In the last War Department appropriation bill we reached an agreement in conference which provided that these funds should be used for certain definite purposes which should be included in the amount appropriated for the building. It is not an unreasonable provision.

Mr. RANSLEY. No. I will say to the gentleman from California that he has the last say in the matter. All we want is an authorization, and it will be possible, probably, for you to cut down the figure.

Mr. BARBOUR. I think the more satisfactory way would be for the committee to accept an amendment to this bill, inserting language similar to that in the appropriation bill, so that there will be no misunderstanding as to the extent of this authorization. I have here a proposed amendment and will read to you the substance of it, so that it will be understood. It proposes a new section to be designated section 4, providing that the cost of construction authorized in sections 2 and 3 of this act shall include facilities and appurtenances, including interior facilities and equipment, such as piping and wiring, which should be covered in the item. I think that will do away with some uncertainty.

Mr. WAINWRIGHT. The Committee on Military Affairs will understand that all those items are included?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. I think our subcommittee will try as far as possible to meet the objection raised.

Mr. BARBOUR. This language is similar to that agreed to in conference respecting the housing program.

Mr. WAINWRIGHT. We have gone into the details with a great deal of care.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. RANSLEY. Yes.

Mr. WRIGHT. I would like to know if the subcommittee went carefully into these items and had the details, the blue prints, and estimates of cost of these structures before them.

Mr. RANSLEY. Yes. We went over them carefully.

Mr. WRIGHT. In other words, you did very much as an individual would do when he builds a house?

Mr. RANSLEY. Yes.

Mr. WRIGHT. You found a rather unusual situation, where out of $1,035,000 they saved $75,000 by economy in labor and materials; that much less than was anticipated at the time of the appropriation?

Mr. RANSLEY. Yes. We recommended what we thought was proper to expend for the housing.

Mr. WRIGHT. At present the medical detachment is now living in a camp?

Mr. RANSLEY. In a tent.

Mr. WRIGHT. The committee, I think, has demonstrated that that is the most expensive character of housing?

Mr. RANSLEY. Undoubtedly.

Mr. WRIGHT. It is not only expensive, but it lasts only a limited time and must be replaced?

Mr. RANSLEY. Yes.

Mr. WRIGHT. The matter of expense and the health of these officers and men should be consulted?

Mr. RANSLEY. Surely.

Mr. TABER. Mr. Speaker, on page 3 it appears that something like $23,000 at Fort Lewis, Wash., was allowed in addition to the regular price of the building for sewers and water connection and electric light connection, and again on page 3 it appears that in reference to the construction of noncommissioned officers' quarters $17,000 extra was allowed. Were those operations outside the building entirely, or were they for part of the cost of the construction of the building?

Mr. RANSLEY. That was part of the construction of the house, according to my understanding.

Mr. TABER. The objection I had to this bill was that it included those items. We were advised that a suitable building could be built for $7,000 for officers, and $25,000 for quarters for the company.

Mr. RANSLEY. The costs are different, of course, at different posts.

Mr. TABER. Yes. We were advised by the quartermaster that the plans were in many cases so elaborate that they would oblige the officers to spend more money for maintenance than they could reasonably expect to receive. I do not want to see that occur. That was the objection I had to the bill. However, I think the amendment suggested by the gentleman from California [Mr. BARBOUR] will leave us in a condition where the matter can be thoroughly gone into.

Mr. RANSLEY. Yes.

Mr. BARBOUR. I notice that the item at Camp Lewis is similar to that which was authorized in another place.

Mr. JOHNSON of Washington. Yes. The other bill is not being pressed by the War Department.

Mr. BARBOUR. The item will be in the general deficiency bill, which will come up in a few days.

Mr. JOHNSON of Washington. I am glad to hear that.

Mr. WAINWRIGHT. That applies to the general Camp Lewis plant, not the particular plant. It is just a coincidence.

Mr. TABER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Chairman, I want to say to the committee that this is the proper time and place to bring up bills of this kind.

It is only fair to state that many times during the consideration of the Consent Calendar I am constrained to object to some of the bills from the committee, because the Consent Calendar is hardly the time and place to properly consider bills of great importance or matters of policy or bills carrying large appropriations. On Calendar Wednesday the entire House has notice of what will be called, what committee has the call, and if the Members are not here the committee has the right to assume there is no objection to the bills.

I believe the Committee on Military Affairs will call up to-day, in the course of the consideration of the bills which they have prepared, bills providing appropriations for rebuilding or constructing several soldiers' homes. I want to point out to the committee that a soldiers'-home program ought to be taken into consideration with the building of hospitals for the Veterans' Bureau. I think we will have to consider hospitalization and housing of veterans as a uniform, comprehensive plan. If the Veterans' Bureau comes in through another committee and has Congress adopt a building program and then we proceed for a few years with that program, and in the meantime the Committee on Military Affairs provides for the building of new soldiers' homes or the rebuilding of existing homes, I fear we may find ourselves with a disjointed building plan, where we may have too much accommodation in one part of the country and not enough accommodation in another part of the country.

Then there is also the danger that we may overdo the building. If we want to establish the plan that every one who served for 70 days or 90 days may knock at the door and be the guest of the Government for the rest of his life, that is for Congress to decide. Perhaps before long some of us will be knocking at the door of a soldiers' home. But I feel there is danger of overlegislating and appropriating money, especially when it is done in a piecemeal fashion.

Mr. COLE. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. COLE. Is it not true that hospitalization, in the very nature of things, will be more or less temporary?

Mr. LAGUARDIA. Exactly.

Mr. COLE. And after a while some of the boys will want to get out.

Mr. LAGUARDIA. For instance, take the unfortunate mental cases, I feel we will soon reach the peak, in the very nature of things, on that class of cases.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. JOHNSON of Washington. I do not think the peak will be reached on mental cases for many years—perhaps 10 or 12 years. There is a very large hospital for mental cases in my district.

Mr. LAGUARDIA. And that is a permanent population, is it not?

Mr. JOHNSON of Washington. Yes; and it is increasing. Age plays a part in the mental breakdown of the shell shocked.

Mr. LAGUARDIA. That is a permanent hospital population?

Mr. JOHNSON of Washington. Yes.

Mr. LAGUARDIA. Then next we have the tuberculosis cases. I think we all agree that when a man passes 45, the danger of infection with tuberculosis decreases, so that, perhaps, we have reached the peak with regard to tuberculosis.

Then, as the gentleman says, in a few years, as far as the hospital needs of the veterans of the World War are concerned, we may know exactly how much we need and then the hospitals may be converted or turned into soldiers' homes.

We have the veterans of the Spanish-American War who are increasing in their applications for admittance to soldiers' homes, but that is not a very large number, taking all of the Spanish-American veterans into consideration, especially after the very liberal allowance made by Congress.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TABER. Mr. Chairman, I yield five additional minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. After the very liberal legislation approved by Congress a few days ago, I do not believe the demands for soldiers' homes of Spanish War veterans will increase in the same progression as it has in the last five years.

In addition to that, a bill was passed for the unification of all veteran activities. With all due deference to the Board of Managers of the Soldiers' Home—and I am not criticizing them, because they are eager and zealous in their duties, and they naturally come before the committee to ask for more appropriations—but the responsibility is ours, and I believe that we should go slowly this year. If unification of the several activities of the Government caring for veterans is to be brought about, let us give them a chance to consolidate, take a survey of conditions, take a census of the needs, and then come to Congress with one comprehensive building program and we can legislate intelligently, we can appropriate liberally, if you please. I certainly disapprove of this piecemeal method of coming in for a hospital here, a soldiers' home there, bringing all the pressure which any project of that kind can naturally attract to it, making it embarrassing for Members to oppose such a measure by reason of the charm and standing of the sponsors of the measure in the House, and desiring to help a colleague or an entire delegation from a State. That is not good legislation. That is wasteful expenditure of public funds, and in the long run it is not for the benefit of the veteran

Mr. GREEN. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. GREEN. I was especially impressed by the statement which the gentleman recently made relative to the consolidation of hospitals and soldiers' homes. That was brought out pretty well before the Military Affairs Committee some time ago in a hearing on a bill which is now pending for a soldiers' home in the South, in that it developed that so many of our veterans who desired domiciliary care in the homes go from the hospital to the home.

If the home is located adjacent to the hospital, the expense of transportation will be so much less and the duplication of the services of the two will be less.

Mr. LAGUARDIA. The gentleman now suggests another great danger. The gentleman suggests a new plan—that wherever we have a hospital, we have a soldiers' home adjacent to it. Permit me to say to my friend from Florida that there is such a thing as overdoing this thing a little bit, and, as I say, your expenses mount so high that the time comes when you

have to stop it all. If we take care we can do more for the direct benefit of the veterans.

Mr. GREEN. But when you establish one of these branch homes and it happens to be located near a veterans' hospital you could eliminate some expense.

Mr. LAGUARDIA. I think we must look to the future, and where we have a veterans' hospital in a particular section I do not think we should put anything additional there for the time being, at least, until we have studied the whole situation, sectioned off the country, and provided for hospitals and homes in an intelligent and constructive way.

Mr. GREEN. I thought the gentleman wanted to see them consolidated

Mr. LAGUARDIA. I do want to see them consolidated.

The Clerk read the bill for amendment.

Mr. BARBOUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARBOUR: Page 2, after section 3, insert a new section, as follows:

"SEC. 4. The cost of the construction authorized in sections 2 and 3 of this act shall include utilities and appurtenances, including interior facilities, necessary service connections to water, sewer, gas, and electric mains, and similar improvements."

The amendment was agreed to.

Mr. RANSLEY. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 8159) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. RANSLEY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RANSLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

### MANY QUESTIONS ABOUT CONGRESS ANSWERED

Mr. HARDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, every Member has had guests in the galleries and the House restaurant and knows how friends from back home ask questions on many subjects connected with the Congress and its work, and how they like to know about its organization and the how and why of it all.

In my dozen years here as a Member of Congress I have had many guests from back home and have enjoyed answering their many questions about Congress and its work.

I am going to try to repeat here some of the questions that have been or may be asked me or other Members of Congress, and give the answers in brief everyday language and terms that all who read can understand. Naturally, I will speak of some things about which many will know well, and I hope I will find some that are not so well known and understood in the country. I believe that this line of inquiry will develop a lot of little items of information about the Congress, the Constitution, and the ways of doing business here that may prove of interest to some.

In making speeches in the House and Senate, Members often say "the country should know" this or that and "I want the country to know" this or that, with the inference that they are not speaking entirely for the benefit of the few gentlemen listening but for the whole country at large. And so it is with these few remarks. I am not making them for the Members of the House of Representatives—although peradventure some Members may find some information here that will help them to answer questions a little more freely in the House gallery and at the Rotary Club back home.

I am putting these questions and answers out in printed form for the benefit of the many who like to know a little more about the inside workings of, and the side lights on, the Congress. I know I have a lot of friends in Colorado who like to know about these things and who encourage me to talk of them in little groups and through the press, and there may be other inquisitive people in other sections of this United States who read the CONGRESSIONAL RECORD.

So with this brief preface I will begin this single-handed dialogue by asking the first question.

#### WHAT IS CONGRESS?

Congress is the legislative body of the United States Government. The functions of the National Government are divided into three parts: Executive, judicial, and legislative. States have their State legislatures. Cities have their city councils. The Nation has its Congress. Its existence, authority, and limitations are provided by the Constitution. Article 1, section 1 of which reads, "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

#### HOW LONG HAVE WE HAD A CONGRESS?

About 141 years. The first Congress dated from March 4, 1789, to March 3, 1791. The first Congress did not convene, however, until April 6, 1789, because a quorum of Members did not show up until that date. Travel was not as easy and swift then as it is these days.

#### WHAT IS THE LENGTH OF A CONGRESS?

A Congress is elected for two years. It is officially in existence from the 4th of March of odd-numbered years to the 3d of March on the following odd-numbered years. For example, the Seventy-first Congress now in session was elected in November, 1928. Membership dates from March 4, 1929, to March 3, 1931. Members of the House are all elected every two years—for a term of two years. Members of the Senate are elected for a term of six years, one-third of that body being elected every two years.

#### WHAT IS A CONGRESSMAN?

Strictly speaking, a Member of either Senate or of the House of Representatives is a Congressman. However, in general practice we speak of a Member of the Senate as Senator and of a Member of the House as a Congressman, although the official title of the latter is Representative in Congress.

#### HOW MANY MEMBERS?

There are 96 United States Senators, 2 from each of the 48 States in the Union. There are 435 Members of the House of Representatives, each State being entitled to the number its population justifies. The number of Members of the House should be apportioned to the different States after each decennial census, but there has been no reapportionment since that made after the 1910 census. There will be a reapportionment soon after the next Congress is elected, no doubt, based on the 1930 census, when some States will probably lose a Member or two and some other States will gain a Member or two because of the shifting of population. Colorado will undoubtedly remain the same with four Representatives.

#### WHAT QUALIFICATIONS ARE REQUIRED FOR MEMBERSHIP?

The Constitution provides that a Member of the House of Representatives must have attained the age of 25, have been a citizen of the United States for 7 years, and be an inhabitant of the State in which he is elected. In practice he is usually a resident of the district which he represents, but that is not a constitutional requirement. A United States Senator must have attained the age of 30 years, have been a citizen of the United States for 9 years, and be an inhabitant of the State which elects him.

#### WHAT OATH DO MEMBERS TAKE?

The oath of office taken by the Members of the House is administered by the Speaker and by the Vice President to the Senators. It reads:

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

The Constitution provides that the President of the United States, Senators, and Representatives, members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support the Constitution.

#### WHEN DOES CONGRESS MEET?

That question is often asked although for more than a hundred years Congress has always met on the first Monday in

December every year. The Constitution provides that the Congress shall meet on that day every year unless the date is changed by law, and there has been no change in the date of the meeting of regular sessions since 1820. The first regular session of a new Congress is the long session. It meets on the first Monday of December in the year following the election year and runs on into the following spring or summer and adjourns only when it gets good and ready. The second regular session meets on the first Monday of the following December and continues in session only until the 4th of next March, when it adjourns because the term of House membership expires on that date.

WHAT ABOUT EXTRA SESSIONS?

The President may call the Congress to meet in extraordinary session at any time he thinks the interests of the country justify it. When he does call an extra session the Congress may transact any business it desires and stay in session as long as it wants to. There have been only about 24 extra sessions in the 141 years since the Constitution was adopted. Four of these have occurred in the past nine years. The Senate may be called in extra session without the House to consider treaties, try impeachments, and confirm appointments—all of which are considered exclusively by the Senate. The Senate nearly always meets in extra session on the 4th of March after a new President has been inaugurated to confirm his Cabinet and other appointments. These special sessions of the Senate usually last only a few days.

HOW ARE VACANCIES FILLED?

Members do die in office, and occasionally one resigns, usually to take what he considers to be a better office, however. When a Senator dies or resigns the governor of his State may appoint his successor to serve only until an election is held, providing his State legislature has given him the authority. If a Representative dies or resigns, his place can not be filled by appointment. The governor of his State may call a special election to fill the place, if he wants to, or as is done in most cases, the place may be left vacant until the next general election.

WHAT ARE THE DUTIES OF A MEMBER?

They are many and manifold. He should study legislation and attend the meetings of his House. He should listen to a good deal of the debates, but not all of them by any means. Many Members are kept in committee meetings many hours of many days of every session. The average Member develops a large office business. This is particularly true of western Members. Their constituency is far away from Washington, so many problems are referred to the Congressman for assistance. The Members get a vast amount of mail. This requires much study, dictation of replies, and often visits to different executive departments down town. The departments are far away and often far apart. Many ex-service men bring their problems to their Congressman, and he is always glad to help them out when and wherever he can, although he has not the power always to do as much as he would like.

A Member will get a thousand letters or maybe several thousand letters in a session from citizens advocating or opposing proposed legislation. Usually a Congressman answers every letter, though he can not tell everybody what he thinks about every bill that has been introduced. He must wait development through committee hearings and give thought to those measures that are being brought forward by favorable committee action.

Most pension claims for soldiers and their widows go through the Congressman. Many post offices, land office, and immigration cases are referred to him.

He likes it. The ambitious Congressman brags about his large office business and his heavy work. He seeks business and craves harder committee assignments—until he gets upon the Appropriations Committee where the appetite for work of the most ambitious will be fully satisfied. Many Members find it necessary to work nights and holidays.

WHAT ARE THE IMPORTANT COMMITTEES?

There are several. The two most important are probably Appropriations and Ways and Means. All bills that relate to the appropriation of money must be considered by and reported out by the Appropriations Committee of the House. This committee consists of 35 members, 21 Republicans and 14 Democrats. It reports out several bills that carry appropriations for a little over $4,000,000,000 each year. The Ways and Means Committee has to consider and report out all bills that have in any way to do with raising revenue, tariff, or any sort of taxes. This committee consists of 25 members, 15 Republicans and 10 Democrats. All revenue and appropriation bills must originate in the House of Representatives and come out of these two committees.

WHAT ABOUT OTHER COMMITTEES?

There are about 43 standing committees, 4 joint standing committees, and several select committees appointed for specific purposes. The 10 principal committees are called exclusive committees in that a majority member of any one of these committees can not serve on any other. The exclusive committees are:

Appropriations, which considers and reports on all bills which appropriates money.

Ways and Means, which considers all bills which relate in any way to taxes, tariff, or revenue.

Post Office and Post Roads, handles all bills that have to do with the Postal Service, the Post Office Department, or postal employees.

Foreign Affairs, considers bills which concern the relations of the United States with foreign nations.

Naval Affairs, has to do with all legislation relating to the Navy.

Military Affairs, has to do with legislation relating to the Army, National Guard, and so forth.

Interstate and Foreign Commerce, handles a very important line of bills which have to do with transportation and other business that have an interstate character.

Judiciary, made up exclusively of lawyers, has to do with bills relating to judicial proceedings, civil and criminal law.

Merchant Marine and Fisheries, gets bills relating to the merchant marine and fisheries.

Public Buildings and Grounds, considers all bills authorizing purchase of sites, and construction of post offices and public buildings in the District of Columbia and throughout the country.

Some of the other committees are Elections, Banking and Currency, Rivers and Harbors, Agriculture, Public Lands, Indian Affairs, Education, Labor, Patents, and so forth. The names of the committees indicate pretty well what sort of bills are referred to them.

HOW DO COMMITTEES WORK?

They meet regularly or on call. They consider the bills that have been referred to them. They sometimes hold long hearings on important bills when those interested either for or against may come in and tell the committee what they think of the bills in question. Some hearings last several days and some several weeks. The committee then considers the bill and may report it out with or without amendments or may decide not to report it out. Sometimes the committee takes up several bills of a similar character, considers all phases of the question and writes a new bill and reports that out.

WHO SELECTS MEMBERS FOR COMMITTEE ASSIGNMENTS?

Majority members are assigned to committees by the Committee on Committees. As a rule once on an important committee a Member stays there as long as he is in Congress. If a vacancy occurs on an important committee a Member from another committee may be given the place by the Committee on Committees if he desires it—and if he has the seniority and influence to get it. New Members get the places left available. The minority Members of the Ways and Means Committee perform this function for that party. All selections must be confirmed by election in the House.

WHO APPOINT THE CHAIRMEN OF COMMITTEES?

They are elected by the House and theoretically the Committee on Committees makes the selections of chairmen. In actual practice, however, the Member of the majority party who has served longest on any committee is selected as chairman. Here seniority plays an important part. The chairmen, of course, all come from the majority party, and the majority of the members of all committees are of the dominant party—at this time Republican.

WHAT IS THIS COMMITTEE ON COMMITTEES?

This is an organization of the majority party and is made up of one Republican Member for each State which has a Republican in the delegation. Usually the member of this committee is the dean of the delegation—the gentleman who has served longest in Congress from that State. In committee meetings each member has as many votes as there are Republican Members from his State. Thus at the present time in the Seventy-first Congress, Pennsylvania has 36 votes, New York 20, Colorado 3, Wyoming 1, etc.

WHAT IS THE COMMITTEE ON RULES?

This is one of the most important committees, as it controls the destiny of more proposed legislation than any other. Bills from the Ways and Means and Appropriations have the right of way, so to speak, and can always be brought up for consideration. Other committees have only a few calendar days in any one session. So many bills reported out can not be brought up for consideration. The Rules Committee can report a rule for consideration of a bill any day. It can bring in a rule for the consideration of any bill that has been reported out of any

committee any time. In the last days of a session special rules to bring out special bills are much in demand. The Rules Committee has much power, certainly has the power of selection, but it must be fair and discriminating, selecting what the majority of Congress seems to want most, as the rule it brings in must be adopted by the House.

WHAT IS THE STEERING COMMITTEE?

This is a committee not much heard of nor mentioned in the newspapers. And I dare say that hardly two dozen Members of the House can tell the names of all of the members on the steering committee. This is a little party adjunct to help promote legislation the majority is interested in, and help to iron out a program of procedure, especially in the closing days of a session. It is composed of nine of the older Republican Members. In addition, the majority leader acts as chairman. When important matters are up for consideration the Speaker and the chairman of the Rules Committee sit in. This committee really has a good deal of influence in helping to shape up the legislative program.

WHAT ARE CONFERENCES AND CONFEREES?

The House passes a bill, for instance. It goes to the Senate and may be much amended over there, as are appropriations and tariff bills usually. The House will not accept the amendments. So the bill is sent to conference. The House appoints three or five Members as conferees and the Senate appoints an equal number. These gentlemen meet and hold a conference and discuss the points in disagreement. The conferees of the Senate give up some items and the conferees of the House agree to some. Finally they get together on a bill somewhere between the position taken by each House. Sometimes the conferees do not give up easily, sometimes the conference drags on for days or weeks, and they have run for months. Usually they get together and usually the conference report is adopted by both Houses. Which end of the Capitol is the most stubborn? Well, the other end, of course.

HOW ARE BILLS INTRODUCED?

A Member writes up his bill and drops it in the basket on the Clerk's desk. It is then referred to the appropriate committee. Many bills lay in committee undisturbed and are never heard from again. In some cases they have served their purpose without further action. They have advertised the Member and the project. Many bills are introduced that have not the slightest chance of serious consideration or passage.

HOW IS A BILL PASSED?

Bills that have strong support are given consideration by the committee. Some are reported out and go on the calendar. When reached they are voted on in the House. A bill must be passed in the House, then go to the Senate and be passed there, then be signed by the President to become a law. If a bill is first passed by the Senate it next goes to the House, and if passed then to the President.

ARE MANY BILLS INTRODUCED?

Yes; too many. In the Sixty-ninth Congress 17,415 bills and joint resolutions were introduced in the House of Representatives and 6,007 in the Senate.

In the Seventieth Congress 17,769 in the House and 6,127 in the Senate.

In the Seventy-first Congress, which has another session for business next winter, up to date the bills introduced is about 13,000 in the House and 4,900 in the Senate. The Sixty-fifth Congress holds the record for number of bills, 33,015 being introduced.

HOW MANY BILLS PASS?

Not as many as you would probably think, considering the number introduced and the length of the session. In the Sixty-ninth Congress 1,423 bills and resolutions were passed; in the Seventieth Congress the number was 1,722.

WHAT IS A VETO?

As has been said, after a bill has passed the House and Senate it must be signed by the President to become a law. If the President does not think the measure good public policy, he may refuse to sign it. He writes a veto message and sends it with the bill back to the body from which it came.

ARE MANY BILLS VETOED?

Not as many as you might think. In eight years President Wilson vetoed 33 bills. President Harding vetoed 5, and President Coolidge vetoed 20. President Hoover has so far vetoed two bills.

HOW DOES CONGRESS OVERRIDE A VETO?

When a bill comes back to Congress with a veto message it is voted upon again, as to whether it shall be passed over the President's veto. If two-thirds of the Members present and voting in both House and Senate vote to pass the bill over the veto, the bill then becomes a law.

ARE BILLS OFTEN PASSED OVER PRESIDENT'S VETO?

No; not very often. Most bills that are vetoed by Presidents are not of great concern to the general public. President Grover Cleveland made a reputation for vetoing more bills than any other President, but the bills were mostly private pension bills. Bills passed over presidential vetoes are usually of interest to a great many people all over the United States, and consequently brought prominently to the attention of many Members. For instance:

In President Wilson's administration the three bills passed over his veto were:

First. Repeal of the daylight savings law.

Second. The Volstead Act.

Third. To cease enlistments in the Army.

None were passed over President Harding's veto.

The four bills passed over President Coolidge's veto were:

First. The so-called bonus or adjusted compensation bill.

Second. The emergency officers' retirement bill.

Third. The bill to provide a differential in pay for night work in the Postal Service.

Fourth. Granting allowances to fourth-class postmasters for light, rent, fuel, and equipment.

President Hoover has had just one bill passed over his veto, that being for an increase in pensions for Spanish War veterans.

WHAT IS "UNANIMOUS CONSENT"?

Many little actions are done in and taken by the House by unanimous consent. The Member asks for unanimous consent to do this or that—to correct the RECORD, to speak for five minutes or more out of order, to insert remarks in the RECORD, to change an amendment he has offered, to have a letter read. If there is no objection on the part of any Member, then consent is granted. Frequently a gentleman says "I object," and that settles that.

The leader of the majority makes many unanimous-consent requests, and usually they are granted. He may ask consent to meet at a certain hour, to adjourn over for a day or two, to hold a night session, to have so many hours for debate on a bill, to take up specified matters on certain days out of order, to set days for the Private or Consent Calendars. The granting of the request saves the passing of motions or the making of rules.

Many bills are passed by unanimous consent. All bills of a private character go on the Private Calendar. And another character of bills go on the Consent Calendar. On days when these bills are in order, the Clerk reads the title of the bill, the Speaker asks, "Is there objection?" Any Member present may say, "I object," if he desires, in which case the bill can not be taken up; and the next title is read. If no objection is made, the bill is read and passed very quickly usually. The theory is that if no one cares to object to a bill, certainly many would not vote against it, so it ought to be passed. Both party organizations have several Members who make it their business to study all bills on the Consent Calendars and be ready to object or insist on what they think to be the proper amendments before consent is granted for the bill to be considered.

Often a Member will arise and say, "Reserving the right to object," and ask questions about the bill. This gives the author of the bill a chance to explain or defend it, and sometimes quite a little debate is stirred up even on consent days. After a while somebody may shout, "Regular order!" The Speaker says, "Regular order is demanded." Whereupon the gentleman who started the trouble by "reserving the right to object" must immediately make his objection or withdraw it. He may be just as apt to do one as the other, and on his decision rests the destiny of some anxious Member's important bill—for all bills are important to their hopeful authors. On consent days Members with bills on the calendar are most patient, polite, and persuasive in their ways toward the gentlemen who sit at the table and whose business it is to inquire into the merits of bills coming up.

HOW ARE VOTES TAKEN?

Four different ways. Usually the Speaker puts the question in this form: "As many as are in favor (of the motion) say 'Aye,'" and then, "As many as are opposed say 'No.'" In most instances the vote taken thus is decisive enough to satisfy. But if the Speaker is in doubt, or if it sounds close, any Member may ask for a division. In this case the Speaker asks those in favor to stand up and be counted. Then those opposed to the proposition to stand up and be counted. The Speaker does the counting and announces the result. But if he is still in doubt, or if a demand is made by one-fifth of a quorum—that is, 20 in the Committee of the Whole or 44 in the House—tellers are ordered. The Speaker appoints one gentleman on each side of the question to make the count. The two tellers take their place at the head of the center aisle. All Members favoring

the proposition walk through between the tellers and are counted. Then those opposed walk through and are counted. This vote settles most questions.

But a roll call may be demanded by anybody on any question in the House, and if supported by one-fifth of those present it is ordered. This privilege is guaranteed by the Constitution. The Clerk reads the names of the whole membership, and as his or her name is called the Member answers "aye" or "no." The names of those not voting the first time are read a second time, so that all Members in corridors, cloakrooms, committee rooms, or offices, who have been notified of a roll call by signal bells, may come in and vote.

Roll calls are ordered sometimes to get a full vote on a measure, because of a lack of a quorum, sometimes because Members want to be on record on a measure, and sometimes to put the other side on record against the measure for imaginary political advantage. The roll calls are published in the CONGRESSIONAL RECORD and are sometimes quoted to a Member's advantage or disadvantage, as the case may be.

Many bills of lesser importance and some of greater importance are passed without a roll call. This can be done if a quorum is present when the vote is taken and as many as one-fifth of those present do not demand a roll call. This is done often to save time and sometimes to save Members the embarrassment of having to be recorded for or against a measure.

WHAT IS A QUORUM?

Everybody who ever attended a literary society knows that it requires a quorum to do business. In the House of Representatives a quorum is a majority of the membership. When there are no vacancies in the membership a quorum is 218. There are usually a few vacancies—Members who have died or have resigned and their places yet unfilled. So an actual quorum is usually a little under that figure. Much business is transacted without a quorum. But no business of any character, except to adjourn, can be transacted without a quorum present if any Member objects. All any Member has to do to get a full House is to arise, address the Speaker, and make the point of order that "no quorum is present." The Speaker says, "I will count." If he can not count a majority present, the doors are closed, the bells are rung in the corridors and House Office Building, and the roll is called. This usually produces a quorum, and business proceeds.

When the House is in Committee of the Whole a hundred Members make a quorum.

IS LEGISLATION MUCH INFLUENCED BY ORATORY?

Not much. People back home may picture the House as a forum for debate upon the merits of the many bills they read about. It is in a way, but most of the debate is as potent as a sham battle. Very few bills that are brought up in the House for action under general or special rules are defeated. I think more than 95 per cent of bills thus brought up are passed, despite the forensic display of oratory that may be directed against them, and usually is by the minority or the opposition. Hardly 1 amendment in 40 offered to bills on the floor is adopted unless offered or accepted by the committee reporting out the bill up for consideration.

Legislation enacted by any Congress is largely that originating with or sponsored by the majority party. Important measures brought up have had thorough scrutiny and a favorable report by a well-organized committee. They have probably had strong backing from the country. Some have had the approval of the steering committee and some have been reported out by the Rules Committee. Such measures are on the program for passage and long debates and much oratory can not defeat them. On the other hand, bills that are not slated for passage do not often get up for action in the House.

Committee responsibility is great and committee action influential. On most amendments and on most bills a majority of the Members vote most of the time with the committee—and it is difficult to break into that influence even with fine oratory.

DO MEMBERS HAVE SPECIAL SEATS?

In the Senate every Member has a definite seat and a fine little desk with his name on it. A map of the Senate is printed with the seats numbered and Senators listed so that a visitor in the gallery can pick out the different Senators.

In the House the Member does not have any definite seat. He may sit anywhere. There are two tables in the center of each side of the House for the use of the party leaders and committee chairmen and those interested especially in the program of the day.

Formerly when there were fewer Members in the House each Member had a desk. But when the number of Members was increased to 435 in the Sixty-third Congress there was not enough room for desks for all, so they were taken out. As it is, those Members present can bunch in the center of the House and be closer to the center of activity.

WHAT ARE THE DUTIES OF THE SPEAKER?

He presides over the House, appoints the chairman to preside over the Committee of the Whole, appoints all special or select committees, appoints conference committees, has the power of recognition of Members, makes many important rulings and decisions in the House. The Speaker may vote but usually does not except in case of tie. He may appoint a Speaker pro tempore but not for more than three days at a time without the consent of the House.

WHAT IS A PARTY LEADER?

There is a majority leader and a minority leader. In talk on the floor we do not refer to Republicans and Democrats usually. It is more dignified, it seems, to refer to the majority and the minority. So the majority leader is a Republican and the minority leader is a Democrat. The majority leader has the more influence, of course, since he has the majority of the membership back of him.

The leader is all the title implies. He leads in party debate, brings forward party program and policies. His advocacy of or opposition to proposed legislation indicates the party preference. The majority leader has much control over what comes up and when, of the legislative program from week to week. When he makes a motion it is nearly always carried. He usually makes the motion to adjourn, and it always carries. If some one else, not authorized to do so, makes a motion to adjourn it is nearly always defeated.

WHAT ARE THE CHAPLAIN'S DUTIES?

Both Senate and House has a Chaplain, who offers prayer at the opening of each daily session, usually at 12 o'clock noon. Both are eloquent and Godly men. The prayers are printed in the CONGRESSIONAL RECORD with the proceedings each day. The prayers offered by the House Chaplain during the Sixty-eighth and Sixty-ninth Congresses have been gathered together and printed in book form. This book of Chaplains' prayers can be purchased for 25 cents per copy by addressing the Superintendent of Documents, Government Printing Office, Washington, D. C.

WHAT ARE THE DUTIES OF THE WHIP?

The whip is not an official position. It is a party designation. Both parties have their whip. The whip looks after the membership of his party, advises them of weekly programs, and endeavors to have all present when important measures are to be voted upon. When the vote is apt to be close he checks up, finds out who is out of the city, and advises absentees by wire of the important measure coming up.

WHAT IS PRINTED THAT BEST TELLS OF THE CONGRESS?

The Constitution of the United States is the best thing printed dealing with the Congress. It provides the authority for Congress, specifies its duties, powers, privileges, and much of the procedure in both Houses of Congress. The Constitution is not very long, is easily obtainable in any city or town, and should be read occasionally by every citizen. It will surprise you how much information it contains.

HOW OLD IS THE CONSTITUTION?

It was adopted by the Federal Constitutional Convention in 1787, ratified by the several States, and the new Government provided for by it became fully operative with the inauguration of George Washington as President of the United States on April 30, 1789.

HOW CAN THE CONSTITUTION BE AMENDED?

A proposal to amend the Constitution must be passed by the Congress by a two-thirds vote of both House and Senate. The proposed amendment then goes to the legislatures of the several States and must be ratified by three-fourths of them—at the present time by 36 of the 48 States.

HAVE MANY CONSTITUTIONAL AMENDMENTS BEEN ADOPTED?

No; not very many, only 19 in 141 years, and this question brings out some interesting figures and dates. The first 10 amendments to the Constitution were proposed by the first Congress in 1789 and were practically agreed to before the adoption of the Constitution. The eleventh and twelfth amendments were proposed in 1794 and 1803.

Since 1804, when the twelfth amendment was ratified, over a period of 126 years only 7 amendments have been adopted to the Constitution.

The thirteenth, fourteenth, and fifteenth amendments relate to abolition of slavery, rights of citizenship, and the franchise, coming after the Civil War, and were proposed and ratified between 1865 and 1870.

Since the Civil War period only four amendments have been ratified. as follows:

Sixteenth amendment provides power for Congress to levy a tax on incomes. Was ratified in 1913.

Seventeenth amendment provides that United States Senators shall be elected by popular vote. Previous to its adoption Senators had been chosen by State legislatures. Proposed in 1912 and ratified by 1913.

Eighteenth amendment provides for prohibition. Proposed 1917 and ratified by 1919. Subsequently ratified by all States in the Union except two.

Nineteenth amendment provides the right of suffrage of women. Proposed 1919 and ratified by 1920.

No amendments adopted to the Constitution have ever been repealed.

ARE AMENDMENTS SOMETIMES PROPOSED BUT REJECTED BY THE STATES?

Yes; that has occurred several times. Amendments were proposed in 1789 (two), 1810, 1861, and 1924, that were not ratified by the States. All of these except the last one are out of date, of no use now, and time has shown the wisdom of their rejection. The one submitted to the States in 1924 was known as the child labor amendment and reads in part, "The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age." So far five States have ratified this amendment and 24 State legislatures have voted to reject it. Since 36 States must ratify it to make it effective, it would appear that this one also has been lost.

WHO PAYS FOR SPEECHES MEMBERS MAIL OUT?

The Senator or Congressman pays for the speeches he sends out. They are printed usually at the Government Printing Office and are charged for at cost price, but the cost price is about what mine would cost me at my own print shop in Canon City, Colo. A member will often send out another Member's speech on some subject he thinks will be of interest to his constituents. Two years ago a dozen Members sent out from 1,000 to 10,000 each of some remarks I made on the subject Unseen Forces that Help to Control Legislation, and one Pennsylvania Member used 30,000 of my talks on the Business Side of the United States Government two different years.

In the fiscal year 1929 Members paid the Public Printer $66,490.67 for speeches and in 1928 the sum was $68,266.19.

WHAT OF THE INFLUENCES OF SENIORITY OR LENGTH OF SERVICE?

In no other place, perhaps, in this broad land of ours does seniority or length of service cut so much figure as it does in the Congress of the United States.

It is the first discouraging thing the new Member meets up with and many have been the bitter denunciations of its rule. Right or wrong, however, the rule of seniority has long been an important factor in the Congress and no one these days has the optimism to predict that it will soon be abolished.

The new Member meets up with the rule of seniority when he applies for his first office room. He gets only what is left after all older Members have made their selections. He may file on a vacant room in the House Office Building. Another Member who has served before may come along and take it away from him. He may file on numerous rooms, and see them go to older Members. The oldest Member requesting a vacant office room gets it.

He meets with it at any official dinner he attends. The new Member sits near the foot of the table—the older Members in the order of their term of service near the head of the table.

The new Member finds the rule of seniority when he applies for committee assignment. The older Members pick out the favored places, the new Member must work his way up.

He finds it in the committee room when he attends the first meeting of his committee. He finds his name on his place at the foot of the table. The oldest Member of the committee will probably be the chairman at the head of the table. And by length of service they rank down to the newest Members at the foot.

New Members are welcome and shown every courtesy on the floor. They are never hazed nor snubbed. But there are some years in the beginning of their service when a new Member must feel that he is hardly in the thick of things—when he must think that he would like to sit even in the committee room, up near the middle of the table.

The important places in the House go to the older Members. Choice committee assignments go to the older Members who desire them. The chairman of every committee is almost, without exception, the longest serving majority Member on the committee. The ranking minority Member is, of course, the oldest on his side. Chairmen of committees have a good deal of influence and get their names on the most important bills.

A great deal of legislation is written by or determined by the conferees on conference committees between the House and Senate. Almost invariably the conferees appointed by both House and Senate are the two oldest Republican and the oldest Democratic Members of the committees reporting out the bills in each House. Conferees have had much to do with the final writing of appropriation and tariff bills especially, as well as with many other important bills in which there is a difference between House and Senate. Members may orate and the two Houses may vote, but the conferees, the old boys, bring back the language agreed upon and it will be adopted.

Here are some figures which show how this thing called seniority has worked in the House of Representatives:

Of the 9 Republicans who have served 10 terms—20 years or more—1 is Speaker, 1 is Republican floor leader, and 5 are chairmen of important committees. These committees are: Ways and Means, Agriculture, Foreign Affairs, Pensions, and Naval Appropriations.

If we drop down in the class that have served 8 terms—16 years or more—we find 47 Republican Members. In this group we find the Speaker, the Republican leader, 19 chairmen of committees, several chairmen of important subcommittees, 8 on Ways and Means, and 5 on Appropriations Committee.

One hundred and eleven Republicans have served 10 years or longer. Included in this 111 Members we find 40 committee chairmen out of a possible 47, all of the chairmen of the important subcommittees of Appropriations and Ways and Means. All of the Republican steering committee, a majority of the Republican members on Rules, Appropriations, Ways and Means, Judiciary, Interstate and Foreign Commerce, the Committee on Committees, and some of the other committees, the Speaker, the leader, the whip, and practically all who will serve in this Congress on conference committees.

The Democrats of the House, of course, look forward in the hopes of some time winning a majority in the House of Representatives, and if that should happen you can take a Congressional Directory and figure out just who would occupy the places of importance in their party House organization. You can pick their chairmen of committees in advance, for they would undoubtedly be the ranking members of that party on the committees, and all have had long service. You can point out 20 men who would occupy the pivotal places in the House because of their length of service.

Of course, this seniority influence is not unique and original in the Congress. It works the same in every legislative body in the country from the city council up. It works in the local lodges and grand lodges of every order. It is especially strong in the national meetings of a number of church organizations. It is particularly noticed in the Congress and commented upon because the Congress is more or less a permanent working body of long standing and represents all of the people of our country.

Legislation is unquestionably much influenced by the men who have served long and occupy these important places in the organization of the House, and greater influence in and with the departments is certainly felt by those who have had the advantage of knowledge and acquaintance gained by years on the job. This long service in the House brings Members in contact with the personnel of the several departments, and helps them to be of service in many little and some big ways to their constituents back home.

Seniority or length of service in the House of Representatives is certainly a large factor in giving a Member position and influence in the Congress and in Washington. Brilliancy and unusual ability, of course, count for much, but without years of service they do not get one far here. Those districts which have returned their Members term after term have contributed much toward the cause of good government and are to-day represented by Members in Congress who have standing and influence in Washington.

APPROPRIATION FOR CONSTRUCTION AT THE MOUNTAIN BRANCH OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, JOHNSON CITY, TENN.

Mr. RANSLEY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 6340) to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn.

The SPEAKER. The gentleman from Pennsylvania calls up a bill, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. RANSLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That the Board of Managers of the National Home for Disabled Volunteer Soldiers is authorized and directed to construct at the Mountain Branch of such home, at Johnson City, Tenn., on land now owned by the United States, a sanitary fireproof addition to the present hospital with a capacity of 100 beds, barracks, 2 sets of quarters for doctors, and such additional construction as may be necessary, together with the appropriate mechanical equipment, including service lines and equipment for heat, light, fuel, water, sewage, and gas, roads and trackage facilities leading thereto for the accommodation of patients, and storage, laundry, and necessary furniture, equipment, and accessories as may be approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers. The Secretary of the Treasury, upon request of the Board of Managers, may have all architectural and inspection work in connection with such hospital performed by the Office of the Supervising Architect of the Treasury Department, and the proper appropriations of that office may be reimbursed from this appropriation on that account.

SEC. 2. There is hereby authorized to be appropriated not more than the sum of $1,000,000 in order to carry out the provisions of section 1 of this act.

With the following committee amendment:

On page 2, in line 15, strike out "the sum of $1,000,000" and insert in lieu thereof "$650,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXPIRATION DATE OF CERTAIN WAR DEPARTMENT CONTRACTS

Mr. RANSLEY. Mr. Speaker, by direction of the Committee on Military Affairs I call up the bill (S. 4017) to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act.

The SPEAKER. The gentleman from Pennsylvania calls up a bill which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That so much of an act entitled "An act to require certain contracts entered into by the Secretary of War or by officers authorized by him to make them, to be in writing, and for other purposes," approved May 29, 1928 (45 Stat. L. 985), as provides that said act shall cease to be in effect after June 30, 1930, is hereby repealed.

Mr. RANSLEY. Mr. Speaker, I yield to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, H. R. 5568 is under consideration, and, as I understand, it is probable it will become a law. If it does, no occasion for anything of this kind would arise.

Mr. RANSLEY. That is true.

Mr. TABER. Having that in mind, I am going to suggest to the committee that the word "repealed" in line 8 be stricken out and that the bill be amended to provide that the time shall be extended until and including March 4, 1931. I think this would make the statute clearer.

Mr. WURZBACH. Would the gentleman have any objection to making that June 30, 1931?

Mr. TABER. I would not think so; no.

Mr. LAGUARDIA. If the gentleman will permit, I do not think I understand the real purpose of this bill. Would this permit the War Department to enter into contracts of $500 without any written or formal agreement?

Mr. WURZBACH. No; it does not mean that at all. If the gentleman will permit, I will explain it. The act of May 29, 1928, a copy of which I have before me, provides—

That hereafter when contracts in excess of $500 in amount, which are not to be performed within 60 days, are made on behalf of the Government by the Secretary of War or by officers authorized by him to make them, such contracts shall be reduced to writing and signed by the contracting parties.

In all other contracts they shall be entered into under such regulations as may be prescribed by the Secretary of War, provided that this act shall cease to be in effect after June 30, 1930.

All this bill proposes to do is to extend the operation of the act of May 29, 1928, to June 30, 1931.

Mr. LAGUARDIA. All contracts for $500 or less are made under regulations prescribed by the Secretary of War.

Mr. WURZBACH. Yes.

Mr. LAGUARDIA. And you are extending the old act to 1931?

Mr. WURZBACH. Yes.

Mr. LAGUARDIA. And there is nothing in the bill before us that could be construed as a letting down of the bars or a modification of existing law permitting officials of the War Department to enter into contracts orally.

Mr. WURZBACH. That is absolutely true. In all cases there must be a written contract signed by the contractor and by the proper representative of the Government.

Mr. LAGUARDIA. Properly and duly authorized for that purpose.

Mr. WURZBACH. Absolutely.

Mr. LAGUARDIA. So we will not be confronted later on with appropriations to pay for something which some official of the War Department did not have the authority to contract for?

Mr. WURZBACH. I can state that to be the fact.

Mr. TABER. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 1, in line 8, strike out the word "repealed" and insert in lieu thereof the following:

"Amended so that it shall cease to be in effect after June 30, 1931."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2667) entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," submitted to the Senate by Mr. SMOOT on April 29, 1930; further insists upon its amendments specified in the foregoing mentioned report upon which the conferees reached an agreement; asks a further conference with the House of Representatives on the disagreeing votes of the two Houses on such amendments; and appoints Mr. SMOOT, Mr. WATSON, Mr. SHORTRIDGE, Mr. SIMMONS, and Mr. HARRISON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, without amendment, bills and a joint resolution of the House of the following titles:

H. R. 851. An act for the relief of Richard Kirchhoff;

H. R. 977. An act establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the Division of Identification and Information;

H. R. 1053. An act for the relief of Jacob Scott;

H. R. 1155. An act for the relief of Eugene A. Dubrule;

H. R. 1160. An act for the relief of Henry P. Biehl;

H. R. 1194. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks;

H. R. 1601. An act to authorize the Department of Agriculture to issue two duplicate checks in favor of Utah State treasurer where the originals have been lost;

H. R. 1840. An act for the relief of Gertrude Lustig;

H. R. 2011. An act to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*;

H. R. 2587. An act for the relief of James P. Sloan;

H. R. 2626. An act for the relief of George Joseph Boydell;

H. R. 2951. An act granting six months' pay to Frank J. Hale;

H. R. 3118. An act for the relief of the Marshall State Bank;

H. R. 3175. An act to authorize Lieut. Commander James C. Monfort, of the United States Navy, to accept a decoration conferred upon him by the Government of Italy;

H. R. 3200. An act for the relief of Bessie Blaker;

H. R. 3257. An act for the relief of Ellen B. Monahan;

H. R. 3610. An act for the relief of William Geravis Hill;

H. R. 3801. An act waiving the limiting period of two years in Executive Order No. 4576 to enable the Board of Awards of the Navy Department to consider recommendation of the award of the distinguished-flying cross to members of the Alaskan aerial survey expedition;

H. R. 5213. An act for the relief of Grant R. Kelsey, alias Vincent J. Moran;

H. R. 5524. An act for the relief of T. J. Hillman;

H. R. 5611. An act for the relief of William H. Behling;

H. R. 6071. An act for the relief of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States;

H. R. 6348. An act donating trophy guns to Varina Davis Chapter, No. 1980, United Daughters of the Confederacy, Macclenny, Fla.;

H. R. 6591. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet;

H. R. 8589. An act for the relief of Charles J. Ferris, major, United States Army, retired;

H. R. 9109. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Jefferson Memorial Association of St. Louis, Mo., the ship's bell, builder's label plate, a record of war services, letters forming ship's name, and silver service of the cruiser *St. Louis* that is now or may be in his custody;

H. R. 9370. An act to provide for the modernization of the United States Naval Observatory at Washington, D. C., and for other purposes;

H. R. 9975. An act for the relief of John C. Warren, alias John Stevens;

H. R. 10662. An act providing for hospitalization and medical treatment of transferred members of the Fleet Naval Reserve and the Fleet Marine Corps Reserve in Government hospitals without expense to the reservist; and

H. J. Res. 243. Joint resolution authorizing an appropriation to defray one-half of the expenses of a joint investigation by the United States and Canada of the probable effects of proposed developments to generate electric power from the movement of the tides in Passamaquoddy and Cobscook Bays.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12205) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors," and rescinds its action on June 2, 1930, in agreeing to the conference report presented on said day to said bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10175) entitled "An act to amend an act entitled 'An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment,' approved June 2, 1920, as amended."

### CONSTRUCTION AT MILITARY POSTS

Mr. RANSLEY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 11405) to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes."

The Clerk read the title of the bill.

Mr. RANSLEY. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the proviso contained in the project "Shreveport, La. (attack wing)," under section 3 of the act of February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes" (45 Stat. 1903), is hereby changed to read as follows: "*Provided*, That the Secretary of War is hereby authorized, when directed by the President, to accept in behalf of the United States and without cost to the United States, the title to such land as he may deem necessary or desirable, in the vicinity of Shreveport, La., approximately 25,000 acres, more or less, as a site for an aviation field, subject to such encumbrances as the Secretary of War in his discretion determines will not interfere with the use of the property for aviation or military purposes: *Provided further*, That should it be determined from time to time that any existing oil-pipe lines as located in, upon, or across said lands interfere with the use of said property, the Secretary of War may grant easements for new rights of way, subject to such provisions as he deems advisable, for the relocation of any said pipe lines in such other areas of the property as he determines will not substantially injure the interests of the United States therein."

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the last word. What is involved in this—is it for quarters for officers and enlisted men?

Mr. WURZBACH. This is an entirely new field. The citizens are donating 25,000 acres of land.

Mr. LAGUARDIA. The committee is enticing my colleagues on my left, members of the Appropriation Committee, with this 25,000 acres of land and next year we will have to provide for an entirely new post.

Mr. HILL of Alabama. Some money for this field has already been authorized and there is a bill pending in the Committee on Military Affairs for further authorization. The attack wing has to have a large post for maneuvering purposes. The city of Shreveport, without any cost to the Government, has donated 25,000 acres of land.

Mr. LAGUARDIA. They have an attack wing?

Mr. HILL of Alabama. Yes; but if the Air Corps grows there may be another wing.

Mr. LAGUARDIA. So that the House may know, we authorize the Secretary of War to accept this 25,000 acres of land from the city of Shreveport, and we will have to provide the necessary funds to construct an entire aviation field and post at this point?

Mr. RANSLEY. Yes.

Mr. LAGUARDIA. Will the field require any further appropriation to make it available?

Mr. HILL of Alabama. There may be a small amount, perhaps between $25,000 and $50,000 required to be expended on the field after the Government takes possession.

This field was chosen by a board sent out by the War Department, and the recommendation of the board was afterwards concurred in by Mr. Davison, Assistant Secretary of War for Air and General Fechet, Chief of the Air Corps. The board visited many places in different sections of the country where land was offered to the Government.

Mr. LAGUARDIA. The fact that they offered to donate a certain amount of land does not impress me very much. But I have talked with General Fechet, and he is of the opinion that this point is desirable and that all things being considered it is a good place to have an attack wing. It occurred to me that they could at least examine other fields, and I ask the gentleman from California to give us some information.

Mr. BARBOUR. I am not in a position to give any information as to what other places may be used instead of this, but there is one other field I know of that is very well equipped and is being maintained merely in a stand-by condition.

### THE TARIFF

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 2667, the tariff bill, insist on the House disagreement to the Senate amendments, and agree to the conference asked for by the Senate.

Mr. GARNER. Mr. Speaker, I do not want to object, but I would like to have the message that came over from the Senate again read.

The SPEAKER. The Clerk will report the message.

The Clerk read as follows:

*Resolved*, That the Senate disagree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 2667, entitled: "To provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," submitted to the Senate by Mr. SMOOT, on April 29, 1930.

*Resolved*, That the Senate further insist upon its amendments specified in the foregoing-mentioned report upon which the conferees reached an agreement and ask a further conference with the House of Representatives on the disagreeing votes of the two Houses on such amendments.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill H. R. 2667, insist on its disagreement to the Senate amendments, and agree to the conference asked for on the amendments specified. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I offer the following motion to instruct the conferees which I send to the desk.

The SPEAKER. The gentleman from Texas offers a motion to instruct the conferees, which the Clerk will report.

The Clerk read as follows:

Mr. GARNER submits the following resolution of instructions:

"*Ordered*, That the House conferees to be appointed to represent the House in a conference with the Senate on H. R. 2667 be, and they are hereby, instructed to concur in Senate amendments Nos. 795, 949, 967, and 968, the effect of these instructions being to bind the conferees on the part of the House to insist on hides and skins of cattle of the bovine species and all manufactures of leather, boots, and shoes to remain on the free list and to not agree to any duty levied on said articles."

Mr. GARNER. Mr. Speaker, on that motion I move the previous question.

Mr. MAPES. Mr. Speaker, this is an important matter, and I make the point of order that there is no quorum present.

Mr. HAWLEY. Mr. Speaker, I reserve all points of order on the motion to instruct.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is not.

Mr. MAPES. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 62]

| | | | |
|---|---|---|---|
| Abernethy | Estep | Kunz | Sirovich |
| Andrew | Esterly | Lambertson | Snell |
| Auf der Heide | Evans, Mont. | Larsen | Spearing |
| Bacharach | Fort | Linthicum | Sproul, Kans. |
| Bankhead | Foss | McClintic, Okla. | Stedman |
| Beck | Gambrill | McKeown | Stevenson |
| Bloom | Gavagan | Maas | Stobbs |
| Bohn | Golder | Manlove | Sullivan, N. Y. |
| Brigham | Graham | Mead | Sullivan, Pa. |
| Buchanan | Greenwood | Merritt | Taylor, Colo. |
| Celler | Gregory | Montague | Thatcher |
| Chase | Hale | Mooney | Thompson |
| Christopherson | Hancock | Newhall | Treadway |
| Clancy | Hartley | Nolan | Underhill |
| Clark, Md. | Hoffman | O'Connor, N. Y. | Underwood |
| Collins | Holaday | Oliver, N. Y. | Vincent, Mich. |
| Connolly | Hudspeth | Owen | Warren |
| Cooke | Hull, Tenn. | Peavey | White |
| Craddock | Igoe | Porter | Whitehead |
| Curry | James | Pou | Williams |
| Davenport | Johnson, Ill. | Prall | Wingo |
| Dempsey | Johnson, Ind. | Pratt, Harcourt J. | Wolfenden |
| Dickinson | Kelly | Quayle | Yon |
| Dominick | Kennedy | Rayburn | |
| Doutrich | Ketcham | Rogers | |
| Dunbar | Kiess | Sanders, Tex. | |

The SPEAKER. Three hundred and twenty-seven Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. GARNER. Mr. Speaker, a great many Members are in the Chamber now who were not here when the point of no quorum was made. The motion to instruct is for the purpose of having free hides, free shoes, and free leather. I ask unanimous consent that the Clerk again report the motion so that the membership may have full information about it.

The SPEAKER. Without objection, the Clerk will again report the motion of the gentleman from Texas.

There was no objection; and the Clerk again reported Mr. GARNER's motion to instruct.

Mr. GARNER. Mr. Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to instruct the conferees.

Mr. GARNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 180, answered "present" 1, not voting 107.

[Roll No. 63]

YEAS—140

| | | | |
|---|---|---|---|
| Allgood | Cox | Guyer | McFadden |
| Almon | Crisp | Hall, Miss. | McKeown |
| Andresen | Cross | Halsey | McMillan |
| Arnold | Crosser | Hammer | McReynolds |
| Aswell | Cullen | Hare | McSwain |
| Ayres | Davis | Hastings | Mansfield |
| Bell | DeRouen | Haugen | Milligan |
| Black | Dickstein | Hill, Ala. | Montet |
| Bland | Doughton | Hill, Wash. | Moore, Ky. |
| Blanton | Dowell | Hoch | Moore, Va. |
| Box | Doxey | Hope | Morehead |
| Boylan | Drane | Howard | Nelson, Mo. |
| Brand, Ga. | Drewry | Huddleston | Norton |
| Briggs | Driver | Hull, Wis. | O'Connell |
| Browne | Edwards | Jeffers | O'Connor, Okla. |
| Browning | Eslick | Johnson, Okla. | Oldfield |
| Brunner | Fisher | Johnson, Tex. | Oliver, Ala. |
| Burtness | Fitzgerald | Jones, Tex. | Palmisano |
| Busby | Fitzpatrick | Kennedy | Parks |
| Byrns | Fuller | Kerr | Patman |
| Campbell, Iowa | Fulmer | Kincheloe | Patterson |
| Canfield | Garber, Okla. | Kopp | Quin |
| Cannon | Garner | LaGuardia | Rainey, Henry T. |
| Cartwright | Garrett | Lambertson | Ramseyer |
| Christgau | Gasque | Lanham | Ramspeck |
| Christopherson | Glover | Lankford, Ga. | Rankin |
| Clague | Goldsborough | Lindsay | Robinson |
| Clark, N. C. | Goodwin | Lozier | Rutherford |
| Cochran, Mo. | Green | Ludlow | Sabath |
| Collier | Gregory | McClintic, Okla. | Sandlin |
| Cooper, Tenn. | Griffin | McDuffie | Schneider |
| Smith, W. Va. | Stone | Tucker | Williamson |
| Somers, N. Y. | Summers, Wash. | Vinson, Ga. | Wilson |
| Sparks | Sumners, Tex. | Welch, Calif. | Woodrum |
| Steagall | Tarver | Whittington | Wright |

NAYS—180

| | | | |
|---|---|---|---|
| Ackerman | Ellis | Kurtz | Seger |
| Adkins | Englebright | Lampert | Selberling |
| Aldrich | Evans, Calif. | Langley | Shaffer, Va. |
| Allen | Fenn | Lankford, Va. | Short, Mo. |
| Arentz | Finley | Lea | Shott, W. Va. |
| Bachmann | Fish | Leavitt | Shreve |
| Bacon | Frear | Leech | Simmons |
| Baird | Freeman | Lehlbach | Simms |
| Barbour | Gibson | Letts | Sinclair |
| Beedy | Gifford | Luce | Sloan |
| Beers | Granfield | McClintock, Ohio | Smith, Idaho |
| Blackburn | Hadley | McCormack, Mass. | Snow |
| Bolton | Hale | McCormick, Ill. | Speaks |
| Bowman | Hall, Ill. | McLaughlin | Sproul, Ill. |
| Brand, Ohio | Hall, Ind. | McLeod | Stafford |
| Britten | Hall, N. Dak. | Magrady | Stalker |
| Brumm | Hardy | Mapes | Strong, Kans. |
| Buckbee | Hawley | Martin | Strong, Pa. |
| Burdick | Hess | Menges | Swanson |
| Butler | Hickey | Merritt | Swick |
| Cable | Hogg | Michaelson | Swing |
| Campbell, Pa. | Holaday | Michener | Taber |
| Carter, Calif. | Hooper | Miller | Taylor, Tenn. |
| Carter, Wyo. | Hopkins | Morgan | Temple |
| Chalmers | Houston, Del. | Mouser | Thurston |
| Chindblom | Hudson | Murphy | Tilson |
| Clarke, N. Y. | Hull, Morton D. | Nelson, Me. | Timberlake |
| Cochran, Pa. | Hull, William E. | Nelson, Wis. | Tinkham |
| Cole | Irwin | Niedringhaus | Turpin |
| Colton | Jenkins | O'Connor, La. | Vestal |
| Connery | Johnson, Ind. | Palmer | Wainwright |
| Cooper, Ohio | Johnson, Nebr. | Parker | Walker |
| Cooper, Wis. | Johnson, Wash. | Perkins | Wason |
| Coyle | Johnston, Mo. | Pittinger | Watres |
| Crail | Jonas, N. C. | Pratt, Ruth | Watson |
| Cramton | Kading | Purnell | Welsh, Pa. |
| Crowther | Kahn | Ramey, Frank M. | Whitley |
| Culkin | Kearns | Ransley | Wigglesworth |
| Dallinger | Kemp | Reece | Wolverton, N. J. |
| Dempsey | Kendall, Ky. | Reed, N. Y. | Wolverton, W. Va. |
| De Priest | Kendall, Pa. | Reid, Ill. | Wood |
| Douglass, Mass. | Kiefner | Rowbottom | Woodruff |
| Dyer | Kinzer | Sanders, N. Y. | Wurzbach |
| Eaton, Colo. | Knutson | Schafer, Wis. | Yates |
| Eaton, N. J. | Korell | Sears | Zihlman |

ANSWERED "PRESENT"—1

Douglas, Ariz.

NOT VOTING—107

| | | | |
|---|---|---|---|
| Abernethy | Doyle | Kiess | Sanders, Tex. |
| Andrew | Dunbar | Kunz | Selvig |
| Auf der Heide | Elliott | Kvale | Sirovich |
| Bacharach | Estep | Larsen | Snell |
| Bankhead | Esterly | Linthicum | Spearing |
| Beck | Evans, Mont. | Maas | Sproul, Kans. |
| Bloom | Fort | Manlove | Stedman |
| Bohn | Foss | Mead | Stevenson |
| Brigham | Free | Montague | Stobbs |
| Buchanan | French | Mooney | Sullivan, N. Y. |
| Carley | Gambrill | Moore, Ohio | Sullivan, Pa. |
| Celler | Garber, Va. | Newhall | Taylor, Colo. |
| Chase | Gavagan | Nolan | Thatcher |
| Clancy | Golder | O'Connor, N. Y. | Thompson |
| Clark, Md. | Graham | Oliver, N. Y. | Treadway |
| Collins | Greenwood | Owen | Underhill |
| Connolly | Hancock | Peavey | Underwood |
| Cooke | Hartley | Porter | Vincent, Mich. |
| Corning | Hoffman | Pou | Warren |
| Craddock | Hudspeth | Prall | White |
| Curry | Hull, Tenn. | Pratt, Harcourt J. | Whitehead |
| Darrow | Igoe | Pritchard | Williams |
| Davenport | James | Quayle | Wingo |
| Denison | Johnson, Ill. | Romjue | Wolfenden |
| Dickinson | Johnson, S. Dak. | Ragon | Wyant |
| Dominick | Kelly | Rayburn | Yon |
| Doutrich | Ketcham | Rogers | |

So the motion was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Whitehead (for) with Mr. Bacharach (against).
Mr. Greenwood (for) with Mrs. Rogers (against).
Mr. Romjue (for) with Mr. Fort (against).
Mr. Linthicum (for) with Mr. Stobbs (against).
Mr. Oliver of New York (for) with Mr. Treadway (against).
Mr. Carley (for) with Mr. Bohn (against).
Mr. Quayle (for) with Mr. Esterly (against).
Mr. Sullivan of New York (for) with Mr. Ketcham (against).
Mr. Stevenson (for) with Mr. Elliott (against).
Mr. Hull of Tennessee (for) with Mr. Brigham (against).
Mr. O'Connor of New York (for) with Mr. Beck (against).
Mr. Williams (for) with Mr. Kiess (against).
Mr. Auf der Heide (for) with Mr. Harcourt J. Pratt (against).
Mr. Ragon (for) with Mr. Davenport (against).
Mr. Montague (for) with Mr. Thatcher (against).
Mrs. Owen (for) with Mr. Denison (against).
Mr. Gavagan (for) with Mr. Connolly (against).
Mr. Prall (for) with Mr. Golder (against).
Mr. Wingo (for) with Mr. Clancy (against).
Mr. Douglas of Arizona (for) with Mr. Andrew (against).
Mr. Larsen (for) with Mr. Free (against).
Mr. Pou (for) with Mr. Underhill (against).
Mr. Sirovich (for) with Mr. Darrow (against).
Mr. Mooney (for) with Mr. Graham (against).
Mr. Nolan (for) with Mr. Spearing (against).
Mr. Maas (for) with Mr. Foss (against).
Mr. Rayburn (for) with Mr. Moore of Ohio (against).

Mr. Sanders of Texas (for) with Mr. Manlove (against).
Mr. Igoe (for) with Mr. French (against).
Mr. Bankhead (for) with Mr. Snell (against).
Mr. Selvig (for) with Mr. Wolfenden (against).
Mr. Corning (for) with Mr. Doutrich (against).
Mr. Bloom (for) with Mr. Thompson (against).
Mr. Abernethy (for) with Mr. James (against).
Mr. Dominick (for) with Mr. Hartley (against).
Mr. Kunz (for) with Mr. Hancock (against).
Mr. Mead (for) with Mr. Clark of Maryland (against).
Mr. Warren (for) with Mr. Newhall (against).
Mr. Underwood (for) with Mr. Vincent of Michigan (against).
Mr. Gambrill (for) with Mr. White (against).
Mr. Collins (for) with Mr. Garber of Virginia (against).
Mr. Buchanan (for) with Mr. Curry (against).
Mr. Evans of Montana (for) with Mr. Porter (against).

Until further notice:

Mr. Johnson of South Dakota with Mr. Taylor of Colorado.
Mr. Cook with Mr. Celler.
Mr. Dunbar with Mr. Stedman.
Mr. Kelly with Mr. Yon.
Mr. Kvale with Mr. Doyle.
Mr. Chase with Mr. Hudspeth.
Mr. Dickinson with Mr. Pritchard.
Mr. Sullivan of Pennsylvania with Mr. Peavey.
Mr. Estep with Mr. Craddock.

Mr. DOUGLAS of Arizona. Mr. Speaker, on the roll call, I voted "yea." I ask unanimous consent to withdraw my vote and be recorded as "present," so that I may be paired with the gentleman from Massachusetts, Mr. ANDREW, who would have voted "nay" had he been present.

The SPEAKER. Is there objection?

There was no objection.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints the following conferees on the part of the House: Mr. HAWLEY, Mr. TREADWAY, Mr. BACHARACH, Mr. GARNER, and Mr. COLLIER.

TARIFF ON HIDES, LEATHER, BOOTS, AND SHOES

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting two short statements; one from the American Cattle Raisers' Association and the other from the Texas and Southwest Cattle Raisers' Association.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER. Mr. Speaker, under leave to extend my remarks I desire to call the attention of Members of the House to the fact that the cattle raisers of the United States are not in favor of the 10 per cent duty on hides; that they feel that such rate is wholly inadequate in view of the indefensible compensatory duties on leather goods and shoes.

On April 15, shortly after the announcement of the conference rates on hides and leather goods, I received the following letter from the American National Livestock Association, which represents thousands of livestock raisers:

[American National Live Stock Association. Officers: Victor Culberson, president, Silver City, N. Mex.; H. G. Boice, first vice president, Phoenix, Ariz.; William Pollman, second vice president, Baker, Oreg.; George Russell, jr., second vice president, Elko, Nev.; Hubbard Russell, second vice president, Los Angeles, Calif.; Charles E. Collins, second vice president, Kit Carson, Colo.; Charles D. Carey, second vice president, Cheyenne, Wyo.; F. E. Mollin, secretary-treasurer, Denver, Colo.; Josephine Ripley, assistant secretary, Denver, Colo.; Charles E. Blaine, traffic counsel, Phoenix, Ariz. Honorary vice presidents: Ike T. Pryor, San Antonio, Tex.; John B. Kendrick, Sheridan, Wyo.; Fred H. Bixby, Long Beach, Calif.; C. M. O'Donel, Bell Ranch, N. Mex.; L. C. Brite, Marfa, Tex. General council: H. J. Saxon, Willcox, Ariz.; E. F. Forbes, Marysville, Calif.; W. L. Curtis, Gunnison, Colo.; Albert Campbell, New Meadows, Idaho; A. Sykes, Ida Grove, Iowa; George Clemow, Jackson, Mont.; Robert Graham, Alliance, Nebr.; H. F. Danberg, Minden, Nev.; T. A. Spencer, Carrizozo, N. Mex.; Herman Oliver, John Day, Oreg.; James T. Craig, Bellefourche, S. Dak.; T. D. Hobart, Pampa, Tex.; J. M. MacFarlane, Salt Lake City, Utah; E. F. Banker, Winthrop, Wash.; J. L. Jordan, Cheyenne, Wyo.]

DENVER, COLO., *April 15, 1930.*

Hon. JOHN GARNER,
*House of Representatives, Washington, D. C.*

DEAR MR. GARNER: The inclosed copy of telegram is the one I sent you this morning for presentation to the conference committee, you being the representative on this committee of the largest cattle State in the Union.

We can not help but feel that our chances of ever securing an adequate tariff on hides would be materially lessened by the acceptance now of the House rates of 10 per cent. Therefore we wish to go on record as being irrevocably against the acceptance of such a make-believe tariff on hides as an excuse to grant substantial protection to the leather and shoe industries.

Yours very truly,

F. E. MOLLIN, *Secretary.*

P. S.—I wish to call your attention to the fact that the margin of protection given the leather people in the House rates above the compensatory duty is practically the same as they would have received under the revised Oddie amendment, while the proposed 10 per cent hide duty is about two-fifths of that carried in the Oddie amendment.

M.

EXECUTIVE COMMITTEE

H. G. Babbitt, Flagstaff, Ariz.; Martin Buggeln, Williams, Ariz.; J. M. Cartwright, Phoenix, Ariz.; E. Ray Cowden, Phoenix, Ariz.; L. L. Harmon, Phoenix, Ariz.; A. A. Johns, Prescott, Ariz.; F. P. Moore, Douglas, Ariz.; Wayne Thornburg, Phoenix, Ariz.; Loy Turbeville, Holbrook, Ariz.; George A. Clough, San Francisco, Calif.; P. S. Dorris, Alturas, Calif.; R. M. Hagen, San Francisco, Calif.; C. N. Hawkins, Hollister, Calif.; Roland G. Hill, Bakersfield, Calif.; Philip Klipstein, Bakersfield, Calif.; J. H. Lubken, Lone Pine, Calif.; William Russ, Eureka, Calif.; George Sawday, Witch Creek, Calif.; S. D. Sinton, San Francisco, Calif.; C. C. Tannehill, Los Angeles, Calif.; N. R. Vail, Los Angeles, Calif.; Ezra K. Baer, Meeker, Colo.; T. H. Benton, Burns, Colo.; Field Bohart, Colorado Springs, Colo.; J. W. Goss, Avondale, Colo.; R. P. Lamont, jr., Larkspur, Colo.; R. P. Mergelman, Iola, Colo.; D. A. Millett, Denver, Colo.; R. F. Rockwell, Paonia, Colo.; A. A. Smith, Sterling, Colo.; R. E. Vickery, Grand Junction, Colo.; W. S. Whinnery, Lake City, Colo.; F. J. Hagenbarth, Spencer, Idaho; G. H. Hall, Raymond, Idaho; W. J. Williams, Malad City, Idaho; Frank W. Harding, Chicago, Ill.; C. L. Petrie, New Windsor, Ill.; C. A. Stewart, Chicago, Ill.; D. D. Casement, Manhattan, Kans.; Will J. Miller, Topeka, Kans.; H. B. Price, Reading, Kans.; C. K. Warren, Three Oaks, Mich.; C. B. Denman, Farmington, Mo.; W. D. Johnson, Kansas City, Mo.; R. J. Kinzer, Kansas City, Mo.; W. H. Donald, Melville, Mont.; J. A. Donovan, Butte, Mont.; G. B. McFarland, Two Dot, Mont.; Julian Terrett, Brandenberg, Mont.; C. J. Abbott, Alliance, Nebr.; Dan Adamson, Cody, Nebr.; Edward L. Burke, jr., Genoa, Nebr.; George Christopher, Valentine, Nebr.; S. P. Delatour, Lewellen, Nebr.; A. R. Modisett, Rushville, Nebr.; R. H. Cowles, Reno, Nev.; William Dressler, Minden, Nev.; J. B. Garat, White Rock, Nev.; Vernon Metcalf, Reno, Nev.; William Moffat, Reno, Nev.; J. G. Taylor, Lovelock, Nev.; William B. Wright, Deeth, Nev.; J. C. Brock, Lordsburg, N. Mex.; Lee Evans, Marquez, N. Mex.; E. G. Hayward, Cimarron, N. Mex.; H. L. Hodge, Silver City, N. Mex.; J. A. Lusk, Carlsbad, N. Mex.; W. H. Merchant, Carlsbad, N. Mex.; A. K. Mitchell, Albert, N. Mex.; B. C. Mossman, Roswell, N. Mex.; R. C. Sowder, Carrizozo, N. Mex.; Oakleigh Thorne, Millbrook, N. Y.; John Leakey, Trotters, N. Dak.; Otto Barby, Knowles, Okla.; Ewing Halsell, Vinita, Okla.; Asa Craig, Enterprise, Oreg.; William Hanley, Burns, Oreg.; James Mossie, Ukiah, Oreg.; F. A. Phillips, Baker, Oreg.; O. M. Plummer, Portland, Oreg.; Thomas Jones, Midland, S. Dak.; Ed. Stenger, Hermosa, S. Dak.; W. W. Bogel, Marfa, Tex.; Clyde Burnett, Benjamin, Tex.; T. G. Crosson, Marfa, Tex.; O. A. Danielson, El Paso, Tex.; Will Herring, Amarillo, Tex.; J. D. Jackson, Alpine, Tex.; R. M. Kleberg, Corpus Christi, Tex.; H. L. Kokernot, San Antonio, Tex.; E. C. Lasater, Falfurrias, Tex.; T. B. Masterson, Truscott, Tex.; J. T. McElroy, El Paso, Tex.; J. D. McGregor, El Paso, Tex.; J. M. Reynolds, Fort Worth, Tex.; W. W. Turney, El Paso, Tex.; J. M. Creer, Spanish Fork, Utah; Thomas Redmond, Salt Lake City, Utah; William Rees, Woodruff, Utah; J. A. Scorup, Provo, Utah; Eugene Thomas, Walla Walla, Wash.; C. J. Belden, Pitchfork, Wyo.; R. M. Faddis, Sheridan, Wyo.; P. W. Jenkins, Big Piney, Wyo.; James P. Jensen, Big Piney, Wyo.; Manville Kendrick, Sheridan, Wyo.; C. A. Myers, Evanston, Wyo.; John Quealy, Elk Mountain, Wyo.; J. B. Wilson, McKinley, Wyo.

The telegram referred to in the above letter is as follows:

DENVER, COLO., *April 15, 1930.*

Hon. JOHN GARNER,
*House of Representatives, Washington, D. C.:*

Please inform committee that cattlemen of the West do not regard with favor attempt to accept in conference House rates on hides, leather, and shoes or modification thereof. Any action now possible could not give adequate protection to the livestock industry, and it is unfair to give adequate protection to the leather-and-shoe trade and not to us. We believe fair play demands that everything remain on the free list until such time as Congress is willing to treat all alike. Cattlemen will not be fooled by announcement to the effect that restoring the House rates is done in order to give them protection. If anything is done, it will be favorable to the leather-and-shoe interests and without regard to our interests, and this, as stated above, is most unfair.

AMERICAN NATIONAL LIVE STOCK ASSOCIATION,
By F. E. MOLLIN, *Secretary.*

The Texas and Southwestern Cattle Raisers' Association expressed the following views in a letter addressed to me on April 17:

[T. D. Hobart, president; J. M. West, first vice president; C. C. Slaughter, second vice president; W. E. Connell, treasurer; E. B. Spiller, secretary and general manager; Tad Moses, assistant secretary; and Dayton Moses, attorney]

TEXAS AND SOUTHWESTERN CATTLE RAISERS' ASSOCIATION,
*Fort Worth, Tex., April 17, 1930.*

Hon. JOHN N. GARNER,
*House of Representatives, Washington, D. C.*

MY DEAR SIR: Referring to the hide tariff which if it has not been reached by the conference committee, will be at an early date. It is felt generally that the 10 per cent ad valorem in the House bill is no tariff at all. It is generally felt that we would be more favorable to free hides, free leather, and free shoes for the schedules which are carried in the House bill which provide protective duties for leather and shoes and simply a gesture of protection on hides.

The feeling generally is that if there is no protective duty on hides, then the producers of hides should not be required to buy shoes and leather on a protective basis.

*Yours* very truly,

E. B. SPILLER, *Secretary.*

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OFFICERS AND EXECUTIVE COMMITTEE, TEXAS AND SOUTHWESTERN CATTLE RAISERS' ASSOCIATION

Officers: T. D. Hobart, president, Pampa, Tex.; J. M. West, first vice president, Houston, Tex.; C. C. Slaughter, second vice president, Dallas, Tex.; James Callan, honorary vice president, Menard, Tex.; J. D. Jackson, honorary vice president, Alpine, Tex.; R. J. Kleberg, honorary vice president, Kingsville, Tex.; R. M. Kleberg, honorary vice president, Corpus Christi, Tex.; H. L. Kokernot, honorary vice president, San Antonio, Tex.; Cyrus B. Lucas, honorary vice president, Berclair, Tex.; Ed C. Lasater, honorary vice president, Falfurrias, Tex.; A. M. McFaddin, honorary vice president, Victoria, Tex.; Murdo Mackenzie, honorary vice president, Denver, Colo.; Ike T. Pryor, honorary vice president, San Antonio, Tex.; W. W. Turney, honorary vice president, El Paso, Tex.; W. E. Connell, treasurer, Fort Worth, Tex.; E. B. Spiller, secretary and general manager, Fort Worth, Tex.; Tad Moses, assistant secretary, Fort Worth, Tex.; Dayton Moses, attorney, Fort Worth, Tex.

Executive committee: S. C. Arnett, Lubbock, Tex.; H. G. Barnard, Tulsa, Okla.; J. L. Borroum, Cedar Vale, Kans.; E. H. Brainard, Canadian, Tex.; L. C. Brite, Marfa, Tex.; W. W. Brunson, Midland, Tex.; C. H. Burnett, Benjamin, Tex.; J. G. Childers, Temple, Tex.; E. W. Clark, Fort Worth, Tex.; W. T. Coble, Amarillo, Tex.; George R. Conrad, Amarillo, Tex.; R. J. Cook, Beeville, Tex.; W. M. Doughty, Edinburg, Tex.; F. B. Duncan, Egypt, Tex.; H. B. Duncan, Burnet, Tex.; W. P. Fischer, Marfa, Tex.; H. S. Foster, Kent, Tex.; A. E. Gates, Laredo, Tex.; A. P. George, Richmond, Tex.; Ewing Halsell, Vinita, Okla.; K. N. Hapgood, Dallas, Tex.; R. H. Harris, San Angelo, Tex.; E. D. Henry, San Antonio, Tex.; W. E. Herring, Amarillo, Tex.; A. C. Jones, Alta Vista, Tex.; T. A. Kincaid, Ozona, Tex.; D. S. Kritser, Amarillo, Tex.; J. W. Loving, Jermyn, Tex.; Claude K. McCan, McFaddin, Tex.; W. P. H. McFaddin, Beaumont, Tex.; H. F. McGill, Alice, Tex.; J. D. McGregor, El Paso, Tex.; S. E. McKnight, Sonora, Tex.; J. L. McMurtry, Clarendon, Tex.; A. V. McQuiddy, Canadian, Tex.; L. A. Machemehl, Bellville, Tex.; Hal L. Mangum, Eagle Pass, Tex.; John Mackenzie, Denver, Colo.; T. B. Masterson, Truscott, Tex.; J. A. Matthews, Albany, Tex.; C. M. Newman, El Paso, Tex.; T. M. Pyle, Longfellow, Tex.; W. D. Reynolds, jr., Kent, Tex.; D. H. Snyder, Colorado, Tex.; A. J. Swenson, Stamford, Tex.; R. B. Thomas, Strawn, Tex.; W. B. Warren, Hockley, Tex.; W. E. Weathersbee, Del Rio, Tex.; G. R. White, Brady, Tex.; and F. S. Wilson, Fort Stockton, Tex.

In addition to this opposition from the cattlemen, the shoe manufacturers are not in harmony as to the effect these rates will have upon the industry. Some of them appear to realize that to add $150,000,000 to the shoe bill of the Nation will not tend to prove advantageous to the industry as a whole, as is attested by the following letter from the International Shoe Co., of St. Louis:

ST. LOUIS, MO., *April 2, 1930.*

Hon. JOHN N. GARNER,
*House of Representatives, Washington, D. C.*

DEAR SIR: We understand that we are being quoted in Washington as favoring the imposition of duties on leather and shoes and opposing only a duty on hides. We beg permission to correct this misquotation.

We are unalterably opposed to the proposed duties on hides, leather, and shoes, holding them to be inimical to the best interests of American consumers. While we might benefit temporarily from such duties, we should prefer to be enabled to supply consumers with shoes at lowest possible prices.

We owe our past growth to this endeavor, and we contend that this kind of growth, devoid of artificial stimulus, is economically sound and therefore best for us and for the shoe and leather industry in the United States.

Yours very truly,

INTERNATIONAL SHOE CO.,
LEWIS B. JACKSON.

P. S.—We tan approximately 40,000 hides and skins weekly, and last year manufactured 54,730,685 pairs of shoes.

Years ago when certain shoe manufacturers were endeavoring to secure inclusion of similar rates in the McKinley bill, James G. Blaine uttered this note of warning:

The only effect of a shoe tariff will be to protect the Republican Party into speedy retirement.

This is as true to-day as it was then, and the Republican leaders know there is absolutely no justification for the indefensible rates they are granting a few manufacturers of shoes and leather goods.

I desire to call the attention of the House to the following figures furnished by the Tariff Commission to the members of the conference committee, and yet, in face of the fact that the Tariff Commission has made evident the injustice and discrimination contained in these rates, they were agreed upon by the majority members:

*Rates of duty on leather necessary to compensate for a 10 per cent duty on hides, and excess protection over and above compensatory duty given in the tariff bill*

| Classification | Compensatory duty | Excess duty given |
|---|---|---|
| | *Per cent* | *Per cent* |
| Sole leather | 7.07 | 5.43 |
| Belting leather | 3.93 | 8.57 |
| Harness leather | 5.75 | 6.75 |
| Bag, case, and strap leather | 3.72 | 16.28 |
| Upholstery leather | 5.88 | 14.12 |
| Side upper leather | 10.19 | 4.81 |
| Patent side leather | 6.04 | 8.96 |
| Calf and kip upper leather | 7.39 | 7.61 |

TO PROVIDE FOR SUMMARY PROSECUTION OF PETTY OFFENSES

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the bill H. R. 9937.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, it is my belief that a large percentage of the commissioners are incompetent of holding court and decide as to a man's guilt or innocence on even petty offenses, because their selection has been made always from a political standpoint.

If the judge is a Republican, he appoints Republican commissioners; if he is a Democrat, he appoints Democrat commissioners, and these men usually are of the type who merely want an office and are willing to hold that office for a very small compensation, and they would not accept this office if they were competent of making a larger income, and I do not believe the Congress of the United States should empower this type of men to decide a man's fate.

The sole claim in behalf of this bill is that it will relieve congestion in the Federal courts. The difficulty is that it wholly fails to accomplish this, its alleged purpose. By it the commissioners are not given any final authority, but on the contrary, a defendant can always take his case to the judge, or the written testimony, and this will make the judge's task longer and harder, for it always takes a longer time to read testimony than to hear it. Besides as good a result can not be obtained for the judge loses the invaluable benefit of seeing, hearing, and judging the witness as to fairness, reliability, and honesty. This is lost with no compensating advantage.

With the knowledge that I have of the type of men who are holding these offices as commissioners, I can not conscientiously vote for this bill.

WOODROW WILSON

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an oration on Woodrow Wilson, the Philosopher, the Educator, the Statesman, the Idealist, delivered on May 14, 1930, by George Samuel Taggart at Hanover College, Hanover, Ind., located in the district that I have the honor to represent.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The oration is as follows:

Upon the walls of the Congressional Library at Washington is engraved the digested wisdom of the world, and over the chief entrance,

written almost in letters of light, is this single sentence, embodying the experience and lesson of the ages, "The foundation of every state is the education of its youth."

I know not whose tongue first uttered, or whose pen first traced these words, but long before the foundation of that great building was laid, or its construction dreamed of, our fathers planted on the bleak coast of Massachusetts a Commonwealth whose foundations were liberty and learning, where every child was blessed with instruction and every man was clothed with citizenship; where popular sovereignty rested on the firm basis of popular education. Out of that almost divine educational inspiration came Harvard, Yale, Princeton, and our present vast and complex educational institutions—both secular and religious—which have given to us and to the world men of calm and clear judgment, broad vision, and high ideals. Statesmen of keen and farseeing intellect, deep sympathy, and noble character. Public men blessed with intense and genuine patriotism. Numbered among this galaxy of great men was Woodrow Wilson—the philosopher, the educator, the statesman, the idealist.

Woodrow Wilson was born at Staunton, Va., 1856, of a God-fearing, Scotch parentage, the possessor of a lineage claimed by only few Americans. He grew from the frailty of youth to the strength of manhood amidst those gentle and simple folk of the South, under the towering pines of Georgia. At the age of 19 he entered Princeton University, and during four years of diligent study proved himself to be a student, a leader of men, and a Christian gentleman. Upon graduation he was summoned by the trustees of Wesleyan and later Princeton University as an active professor. As a member of the faculty of these institutions he proved himself a political philosopher—noted for his calm judgment, practical wisdom, sound and genuine scholarship.

Because of these qualities, Woodrow Wilson, in 1902, was called to the presidency of his alma mater. As president of Princeton University he demonstrated to the world that he was a great liberal and a progressive educator. Within the walls of Princeton he found that education and student life were tyrannized over and blasted by an intellectual aristocracy of professors and students; and by a conservative, almost reactionary, policy of the trustees. Unable to break through these barriers of caste and tradition, he appealed over the heads of trustees and resisting professors to the public tribunal for a more liberal, more democratic, and more progressive American university life.

In 1910 fate summoned Wilson from the presidency of Princeton to the Governorship of New Jersey. He entered that office with a feeling that it was an adventure well worth his enthusiasm, his dignity, and his principles. He concentrated all his talents into the requirements of his office, with serene confidence and firm conviction that a person should give all that he has for the faithful performance of his duties as a public servant. With this as the keynote of his actions he reformed the election laws of New Jersey, authorized cities to adopt the commission form of government, and sponsored a change in the corporation laws. His every action exemplified that statesmanship of high ideals, broad vision, and clear judgment.

Time had now prepared a stage for a stirring political drama, and in 1912 Roosevelt, Taft, and Wilson came together upon this stage to fight through the bitterness of a presidential campaign. Party prejudice caused a separation between Roosevelt and Taft. Triumphantly between them marched Woodrow Wilson to the greatest office in the power of the American people to grant.

Dramatic were the scenes of those eight troubled years wherein he served the United States as its Chief Executive, and the experiences of his presidential life did not yield him pleasure, or satisfaction. He grasped the helm of office with the hand of a master. His disposition of business was orderly and rapid. His power of analysis and his skill of classification enabled him to dispatch a vast mass of detail with singular promptness and ease. Through a wise program of financial legislation he gave to us, upon his entrance into office, the Federal reserve bill, which stabilized the economic condition of the Nation, and withheld us from the clutches of a financial panic.

In 1914, the ages of history were closed upon peace, and blackened by that bloody conflict of steel, shot, and shell, which came forth from the heart of Europe. Should America enter that conflict of nations? Should America take up her flag and follow the rest of the world? Should America place her national honor, power, and prestige against the arrayed forces of autocracy? These were the questions in the minds of all civilized people. These were the questions answered by Woodrow Wilson, when, in 1917, with patience and firmness he handled America's entrance into that war, refusing to act until he had the backing of a united country. When finally in, he made it clear that America's purpose in this conflict of nations was to promote the cause of liberty—to make the world safe for democracy. Through 18 months we sacrificed the youth of our manhood and the wealth of our Nation in that struggle against the Triple Alliance, which was laying prostrate before it the peoples of ancient Europe.

At last the goal was near, the cause was won, the deadly conflict had ceased. The treaty of Versailles summoned our war President to Paris, and his reward was a treaty that reflected the anger of nations rather than the forgiveness of peace makers. With a heavy heart and a breaking physique he journeyed home—defeated.

> A broken figure disappears alone
> Down the dark roadway of the overthrown;
> Yet is there time ere fades the twilight chill
> For one more volley! Hasten, ye who will,
> To seize on stick and shard, and hurl them after
> The bent wayfarer! All your taunting laughter
> Will fall unanswered; naught will he hurl back
> Who plods in silence down the fated track.

Justice to the dead, the highest obligation that devolves upon the living, demands the declaration that in all his dealings with the problems of treaty and future world peace the President was content in mind, justified in his conscience, immovable in his conclusions.

In truth we could say that Woodrow Wilson submitted his case when he left the White House in 1921. During the remaining years of his life he was doomed to weary weeks of torture and silence, but there was still life enough in that good friend of peace, and his high ambition commanded him to become the lover of all mankind. His idealism, that gripped the heart of humanity, secured for him not only a scholar's grave, a warrior's grave, a statesman's grave, but also the grave of a friend of peace and righteousness and humanity. In public utterance and world action Woodrow Wilson never knew surrender; yet the hour of one surrender must come to all, and dramatic as were the scenes of his troubled life so were those at his death. With unfaltering tenderness he took leave of life. With simple resignation he bowed to the divine decree. On his record he was willing to depart to eternity, leaving it to the followers who survived to carry on the battle for which he gave his life.

Let us remember that George Washington was instrumental in the foundation of this Republic; that Abraham Lincoln preserved the Union and molded the several States into a single sovereignty; but amid the carnage of the last international conflict, while other statesmen of the world were dreaming of imperialism, national power, and territorial aggrandizement at the expense of their victims, Woodrow Wilson was formulating a plan by which the whole world might be saved from self-destruction, military autocracy, and in which permanent peace, international justice, and the brotherhood of mankind should reign supreme.

Woodrow Wilson tried to do something which is beyond the power of any single person. He tried to correct all the ills of foreign statecraft, accumulated in centuries and sharpened by national instincts and animosities. He could not, and no one person could come down from a mountain top and give laws to all the people. Men say he failed. He failed not. We are the ones who failed. America failed, the America which, if it had stood by him as he stood for America, might have made him the immediate victor over every European conspiracy and American cabal. We failed, and we failed because we, his fellow Americans, were unequal to his vision; because we did not rise together to the mountain heights to which he summoned, to which he challenged. History will not forget his name. God give it that history will compassionately embalm in oblivion the names and the deeds of those who, to punish your and my leader, the hope bringer of humanity, struck him down and broke the heart of the world.

Whether we record that failure to Wilson or to America, we shall never forget that he personified America. He gave utterance to the aspirations of humanity which held the attention of all the earth and made America a new and enlarged influence in the destiny of mankind. By his magic appeal to the deepest sensibilities of all human life, which were given the wings of the morning by the unprecedented propaganda of the Allies, Wilson principles quickly spread to the uttermost parts of the earth. There the innate vitality of the ideals caused them to take root and to grow. As no other wholly human man has ever done before, Woodrow Wilson voiced the basic instincts and desires of the race.

The impress he left upon American thinking will continue to be felt in the hearts of his countrymen forever. His life of tremendous significance will never fade from the memory of posterity. His work will never be lost to the stirred emotions of mankind. He died, surrounded by loved ones and sympathetic friends. Gently, silently, the love of a great people bore the pale sufferer to his final resting place in St. Alban's Cathedral. But let us think that his dying eyes read a mystic meaning which only the rapt and parting soul may know. Let us believe that in the silence of the receding world he heard the great waves breaking on a farther shore and felt already upon his wasted brow the breath of the eternal morning.

### CONSTRUCTION AT MILITARY POSTS

Mr. RANSLEY. Mr. Speaker, when we were forced to suspend we were considering the bill H. R. 11045. I now yield to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, may I ask the gentleman from Pennsylvania if I am correct in understanding that the Congress has already accepted this field, and that this bill is neces-

sary only on account of a defect in the title? This is already in the property?

Mr. RANSLEY. Yes.

Mr. BARBOUR. That is the only reason for the enactment of this bill?

Mr. RANSLEY. Yes.

Mr. TABER. It is not doing something new? It is simply correcting a technicality?

Mr. RANSLEY. Yes.

Mr. HILL of Alabama. It is just to correct a technicality.

Mr. RANSLEY. Yes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RANSLEY, a motion to reconsider the last vote was laid on the table.

VETERINARY CORPS OF THE REGULAR ARMY

Mr. RANSLEY. Mr. Speaker, I am directed by the Committee on Military Affairs to call up the bill H. R. 2755.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 2755) to increase the efficiency of the Veterinary Corps of the Regular Army.

Mr. RANSLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That for purposes of promotion, longevity pay, and retirement there shall be credited to officers of the Veterinary Corps all full-time service rendered by them as veterinarians in the Quartermaster Department, Cavalry, or Field Artillery prior to June 3, 1916.

SEC. 2. The provisions of this act shall become effective upon its passage, and all laws and parts of laws which are inconsistent herewith or are in conflict with any of the provisions hereof are hereby repealed as of that date.

Mr. BARBOUR. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from California moves to strike out the last word.

Mr. BARBOUR. Mr. Speaker, I am advised that this whole matter is covered by section 10 of the national defense act, which provides that officers of the Veterinary Corps shall be governed by the act of June 3, 1916.

Mr. RANSLEY. I think the gentleman will find that that is for the Cavalry and Field Artillery. The present bill covers only the Quartermaster Corps, to extend to the Quartermaster Corps.

Mr. TABER. And section 2 was not included in the national defense act?

Mr. RANSLEY. No.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

GUILFORD COURTHOUSE NATIONAL MILITARY PARK

Mr. RANSLEY. Mr. Speaker, I call up the bill H. R. 7496.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 7496) making an appropriation for improvements at the Guilford Courthouse National Military Park.

Mr. RANSLEY. Mr. Speaker, I ask unanimous consent to have the bill considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the sum of $50,000 is hereby authorized to be appropriated, to be expended under the direction of the Secretary of War in the erection of a home for the superintendent, for the purchase of additional land, surfacing of roads, and all other necessary improvements at Guilford Courthouse National Military Park established by act of Congress approved March 2, 1917.

With committee amendments as follows:

Page 1, line 3, after the figures "$50,000," insert the words "or so much thereof as may be necessary."

On page 1, line 5, after the word "war," strike out the words "in the erection of a home for the superintendent."

On page 1, line 7, after the word "of" at the beginning of the line, insert the word "necessary."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. STAFFORD. Mr. Speaker, I offer a committee amendment.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD for the committee: Page 1, line 3, strike out "$50,000" and insert in lieu thereof "$30,000."

Mr. TABER. Mr. Speaker, it is my understanding that this bill is absolutely unnecessary; that the authority already exists, in view of the fact that this is an established military park and there are appropriations for additional lands and improvements within the park. Personally it seems to me, in view of that situation, the bill should not be taken up.

Mr. McSWAIN. Mr. Speaker, it is our understanding from the report of the War Department and from the reports that have come to the gentleman representing that district, the distinguished Major STEDMAN, that this authority will have to be conferred in order to accomplish the desirable result.

I suppose the gentlemen have noticed from the report that it is proposed to celebrate the sequicentennial of this very important battle of the Revolutionary War on the 15th of March, 1931. The nature of the soil is such that at that season of the year, after the winter rains and the melting of the snow, they can not get about over that battle field unless these roads are surfaced with some sort of cheap surfacing at least

Mr. BARBOUR. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. BARBOUR. In the report of the Secretary of War it is stated that—

Sections 3 and 5 of the act of March 2, 1917, give the Secretary of War ample authority to acquire additional land, repair the roads, and to make such other improvements at the park as may be necessary.

He says further:

Suitable quarters already exist for the foreman.

Then his report concludes with these words:

In view of the facts outlined above, disapproval of the bill is recommended.

If authority already exists for the doing of all these things, and the War Department disapproves of this particular bill, and there is no necessity for passing the bill anyway, why encumber the statutes?

Mr. McSWAIN. Of course, I am not the sponsor of the bill, but I assume that the gentleman has exhausted all of his remedies outside of special authority and has found that the Bureau of the Budget or somebody would not make the recommendation due to the absence of authority.

Mr. BARBOUR. This is not an effort or attempt to force the hand of the Budget, is it?

Mr. McSWAIN. I do not know that it is. It can not be done.

Mr. BARBOUR. This is not the way to handle it. The Guilford Courthouse National Park is an established national military park. The Committee on Military Affairs brought in a bill authorizing the creation of that park, and the bill was passed by the House and appropriations have been made. Our committee has been told that the necessary amount to establish and create that park has been appropriated. There is an appropriation this year for an amount for maintenance and upkeep. Here is an appropriation to acquire additional lands, to improve roads, and to do other things there, all of which is authorized in the original act creating the park. Then, in addition to that, $50,000 is authorized to be appropriated for this, and it seems to me it is going farther than is necessary, and farther than in good judgment we should go.

Mr. McSWAIN. The gentleman will realize that $50,000 was in contemplation of the project to build a new house. That has been stricken out by the committee and the amount has been reduced proportionately to $30,000, which is estimated to be the cost of buying some additional land near the entrance, which is desirable because of its historic association, and to have some sort of cheap surfacing, like gravel and tar, on these roads.

Mr. BARBOUR. The Secretary of War says he has ample authority now to do that.

Mr. McSWAIN. But the Secretary of War can not pass upon the rules of the House with reference to the authority. If this bill fails and your committee should bring in a proposed appropriation and some one should make a point of order, it would

avail us very little to say that the Secretary of War said it was not necessary.

Mr. BARBOUR. No; it would not be subject to a point of order on that ground, because the authority for the appropriation exists in the act of March 2, 1917.

Mr. WURZBACH. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. WURZBACH. Although it may be a fact that the Secretary of War has general authority under the act to which the gentleman has referred——

The SPEAKER. The time of the gentleman has expired.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BARBOUR. I yield to the gentleman from Texas.

Mr. WURZBACH. As I stated, although the Secretary of War has general authorization to do the thing that is sought to be done in this bill, the purpose of this bill is to direct the Secretary of War to make the particular expenditure mentioned in this bill. Otherwise the Secretary of War may not exercise the authority which he has. I think that is the real purpose of this bill.

Mr. BARBOUR. Why repeat the act which we have already passed, which is ample and sufficient in every way to authorize this? This matter ought to go to the Committee on Appropriations in the regular way, with estimates from the Bureau of the Budget, and be considered as any authorized appropriation is considered. The only purpose that I can see in this action is to indicate to the Bureau of the Budget that it should do something that it has not yet been willing to do.

Mr. WURZBACH. Well, to suggest to the Bureau of the Budget or to the Appropriations Committee.

Mr. DOUGHTON. Will the gentleman yield?

Mr. BARBOUR. I yield.

Mr. DOUGHTON. It is possible that the Secretary of War has authority under existing law to do the work which is mentioned in this bill, but it has not been provided for. They have not been able, so far, to get the relief desired. Of course, it is not an effort to combat the Budget, but this bill was introduced by Major STEDMAN. I would not ask its consideration as a matter of sentiment, but in all probability it is the last legislative act of his life. It is right at his home, in the suburbs of Greensboro, N. C. The sesquicentennial is to be held on the 15th of March, 1931, to celebrate the important Battle of Guilford Courthouse.

Mr. BARBOUR. Is it going to take $50,000 to celebrate the Battle of Guilford Courthouse?

Mr. DOUGHTON. There is a committee amendment reducing it to $30,000. The roads are only surfaced with top soil, and they are not adequate to take care of the necessary requirements for holding that sesquicentennial.

Mr. BARBOUR. But does not the gentleman from North Carolina agree that the Secretary of War now has all of the authority with relation to this project that he could possibly have if this bill were passed?

Mr. DOUGHTON. Possibly he has; but this bill was introduced and referred to the Committee on Military Affairs. A subcommittee was appointed, headed by the gentlewoman from California [Mrs. KAHN]. That subcommittee gave the matter careful consideration, and then it was favorably reported by the full committee. I hope the gentleman will let this bill pass, because the amount carried is only a bagatelle. I will say to my colleague that Major STEDMAN, the author of the bill, is unable to be here, and probably he will never be here to present any other legislative matter. While it is a meritorious matter, there is some sentiment connected with it.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. McSWAIN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: In line 3, strike out "sum of $50,000, or so much thereof as may be necessary."

In line 4, strike out "be appropriated, to be."

In line 5, strike out the words "expended under the direction of the Secretary of War in the erection of a home for the superintendent."

So that the bill will read:

That the Secretary of War is hereby authorized to expend such sum as may hereafter be appropriated for the purchase of necessary additional land, surfacing of roads, and all other necessary improvements at Guilford Courthouse National Military Park, established by act of Congress approved March 2, 1917.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ACQUISITION OF LAND FOR AERIAL BOMBING RANGE PURPOSES AT KELLY FIELD, TEX.

Mr. STAFFORD. Mr. Speaker, by direction of the Committee on Military Affairs I call up House bill 12263, to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin calls up a bill, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to acquire by condemnation the fee title to 1,000 acres of land, more or less, situate in Bexar County, State of Texas, for aerial bombing range purposes at Kelly Field, and thus settle certain damage claims, and the Attorney General is hereby directed to institute condemnation proceedings for that purpose.

SEC. 2. There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this act.

With the following committee amendments:

In line 4, on page 1, strike out the word "condemnation" and insert "purchase for a sum not exceeding $80,000."

In line 8, after the word "and," insert the words "failing to acquire the same within this limit of cost."

Page 2, line 1, strike out the word "that" and insert the word "the."

Page 2, line 2, insert after the word "purpose" the words "of acquiring said land."

Mr. STAFFORD. Mr. Speaker, I yield to the gentleman from Texas [Mr. WURZBACH], the author of the bill.

Mr. TABER. I would like to ask a few questions. What is the necessity for this addition to Kelly Field?

Mr. WURZBACH. Well, it is an absolute necessity, as stated by the Secretary of War and by the Chief of the Air Service. As a matter of fact, this land has been used by the Government for that purpose under a lease and renewals of leases since early in 1923. The last lease expired in September, 1926. In each one of the leases this provision was carried:

And the Government shall before the expiration of this lease or renewal thereof restore the premises to a normal condition, as at the time of entering upon the same under this lease, and shall remove all unexploded shells or bombs.

This land was used for two or three years as a bombing field. The gentleman, I am sure, knows that at Kelly Field and at San Antonio the Army has probably the greatest concentration of military aviation in the United States, and manifestly they are required to have land for bombing purposes. These 1,000 acres of land have a great many buried duds and unexploded bombs. As a matter of fact, a number of individuals have been very severely injured by picking up these bombs. I happen to have before me a clipping from a San Antonio paper showing where a soldier, a resident of Oklahoma, who was stationed at Kelly Field, in passing over this land picked up one of these bombs, not knowing what it was, and was severely injured and later died from his injuries.

Mr. TABER. How much land have we altogether at this field, land which the Government now owns?

Mr. WURZBACH. The gentleman means at Kelly Field?

Mr. TABER. Yes.

Mr. WURZBACH. I think they have about 1,700 acres of land.

Mr. TABER. Is not that enough to meet the situation?

Mr. WURZBACH. Oh, no. That land is occupied with the barracks and hangars, and it is used for landing purposes and other purposes, including training of cadets. It could not be used for bombing purposes. Such a use would be absolutely impossible. I was just going to state that under the written contract made with the lessors of this property, the present owners—the Government—could be required to specifically per-

form its contract, namely, to remove the unexploded bombs, and it was stated before our committee—and we had very complete hearings—it is impossible to remove them.

Mr. TABER. What about the value of this land?

Mr. WURZBACH. I think the land is worth about $150 an acre. I stated to the committee when we had hearings I did not think it would be possible to purchase the land at $80 an acre, and therefore it was provided that the land should be acquired in condemnation proceedings, if it could not be acquired by purchase.

Mr. LAGUARDIA. Did the gentleman say it was a soldier who picked up a bomb and commenced monkeying with it?

Mr. WURZBACH. Yes; and I have a clipping from the newspaper here giving the details.

Mr. LAGUARDIA. If he had served in my command I would have court-martialed him. That boy must have been well trained as a soldier.

Mr. STAFFORD. I did not think the gentleman from New York was such a severe and cruel disciplinarian.

Mr. LAGUARDIA. A soldier picking up a bomb and playing with it!

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. LAGUARDIA. Mr. Speaker, I rise in opposition to the committee amendment.

I am sure the land leased by the Government for a bombing field is not good agricultural or valuable land, because that is not the kind of land that any prudent person would go out and lease for that purpose.

Mr. WURZBACH. By my silence, I do not mean to agree that this is not good agricultural land.

Mr. LAGUARDIA. I am not going to commit the gentleman by his silence.

Land for this purpose does not have to be graded like an aviation field. The gentleman will concede that.

Mr. WURZBACH. Yes.

Mr. LAGUARDIA. The purpose is to fly over it and drop bombs on a target. I am not an expert on land values in the State of Texas, and far be it from me to underrate the value of the lands, but I submit that a comparison of the prices paid for land for this purpose or the kind of land that is usually acquired for target ranges is not land valued at $80 an acre.

I am not comparing it with values in Manhattan where we buy by the foot, but $80 an acre, I submit to all my friends coming from rural districts, is high for land when it is purchased as acreage; and, certainly, if it is worth that much, we should not have a bombing field there.

Mr. STAFFORD. The bombing field is established there, if the gentleman will permit, and we are seeking to make it available and more serviceable by acquiring adjoining lands.

Mr. LAGUARDIA. I understand that, but I think the price is too high.

Mr. STAFFORD. The gentleman may qualify as a city industrialist, but, certainly, he can not qualify as an agriculturist when he says that $80 an acre for land in these parts is high.

Mr. LAGUARDIA. Then permit me to say that if the land is worth $80 an acre we should not buy that kind of land for a bombing field.

Mr. STAFFORD. But we have established there certain valuable buildings——

Mr. LAGUARDIA. Not on this field.

Mr. WURZBACH. Not on this land, but at Kelly Field.

Mr. STAFFORD. Yes; at Kelly Field, and this land is tributary and most essential for the use of Kelly Field.

Mr. LAGUARDIA. If the gentleman from Wisconsin will permit, a bombing field does not have to be adjacent to the aviation field. I went through a bombing school, and we flew about 30 or 40 minutes from the aviation field where we were stationed before we reached the bombing field. It was way off, by and of itself, on the kind of land that is not valuable. So there is no strength in the gentleman's argument when he says it is close or adjacent to Kelly Field. That is not necessary. The purpose of a bombing field is simply to have a field where markers or targets or objectives can be located and send the planes there to practice bombing where they will not injure anyone or any property. So there is one of two arguments that can be made. Either this land is not worth $80 an acre, but if you say it is worth $80 an acre, I will accept your views and then say that we should not buy that kind of land for bombing purposes.

Mr. BARBOUR. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BARBOUR. If it is necessary to buy $80-per-acre land for a bombing field at Kelly Field in Texas, then is not that an indication that a mistake was made in locating the bombing field where such expensive land is necessary?

Mr. LAGUARDIA. The gentleman is correct. The gentleman will recall that not only in the discussion of the 5-year program but right after the war, when the whole question of aviation was a live one here in the House, the one justification for the establishment of Kelly Field, aside from the favorable topography of the land, was that land was inexpensive down there and we could get as much land as we wanted.

Mr. WURZBACH. When was that representation made? That has never been given as one of the considerations in the selection of that site as a flying field, so far as I know; and I think the gentleman is surmising when he makes that statement.

Mr. LAGUARDIA. Oh, I served on the Military Affairs Committee right after the war.

Mr. WURZBACH. Let me say to the gentleman that it does not make a great deal of difference so far as the merits of this case are concerned——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to speak for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. WURZBACH. As to whether this land was properly selected or whether the land is too valuable; the truth of it is—and this is not controverted—the Government now, under its written contract of lease, is obligated to the present owners of the land in damages equal to the actual value of the land, so that if the Government does not avail itself of the opportunity to purchase this land at a fair price, to be determined in condemnation proceedings, these parties will bring suit in the Court of Claims. They are already talking of doing this, and, in fact, a lawyer here in Washington is ready to bring a suit in the Court of Claims. I want to put the gentleman on notice as to what may happen. I have, of course, no personal interest in the passage of this bill. If this land is not taken for this purpose, under the bill the claimants, under their written guaranty that this land would be returned to them in the same condition that it was in——

Mr. BARBOUR. Was that guaranty authorized by act of Congress?

Mr. WURZBACH. Let me finish my statement. They will necessarily in the Court of Claims recover damages against the Government, and the measure of damages, of course, would be the difference between the value of the land as it would be without buried bombs and the value of the land with buried bombs.

No one could purchase this land, no one could use this land except the Government for this particular purpose, namely, as a bombing field. So what would be the inevitable result? The claimants would recover the same amount of damages that the Government might purchase the land for under this bill.

Mr. TABER. Will the gentleman yield? Does the gentleman know how much the Government paid for the 1,700 acres originally acquired?

Mr. WURZBACH. No; that was a number of years ago, but I am quite certain that they paid at least $150 an acre. This land is quite close to the city of San Antonio.

Mr. TABER. It seems to me it is a pertinent inquiry as to how much the other land cost.

Mr. WURZBACH. The gentleman loses sight of the fact that San Antonio is a city of over 250,000 inhabitants, and Kelly Field is very close to the city limits.

Mr. TABER. How close?

Mr. WURZBACH. There are houses within a quarter of a mile—the city is moving in that direction.

Mr. TABER. In the direction of Kelly Field?

Mr. WURZBACH. No; the bombing field is on the opposite side of Kelly Field from the city.

Mr. BARBOUR. It seems to me that there are so many other fields in the country where land could be acquired for less money than this, that this is an extravagance.

Mr. STAFFORD. Does the gentleman realize the conditions that prevail here whereby the land was leased to the Government, and under the conditions of the lease the land should be returned in the same condition as when leased? Now there are claims against the Government, which it is represented by the War Department may equal, if not exceed, the value of the land. We think it is a good proposition to wipe out the claim for damages, take the land, become free of any lawsuit, and thereby have the land for nothing.

If there was not the liability of the Government arising out of this contract of lease and the return of the land in the same condition, we might take a different position. But we have a proposition where the land is charged with the liability of the Government to take the land at a fair value—and we have safeguarded the interests of the Government in the committee.

We were advised that we could not get the land for $80,000, and we sought a bill authorizing the Government to purchase it at that price, and if they do not accept that price, then we could go to condemnation.

Mr. BARBOUR. But suppose we condemn it and they fix the price at $100 an acre?

Mr. STAFFORD. Then we will have to pay for it. But we have done all we can in committee to safeguard the interests of the Government.

The SPEAKER. The time of the gentleman has expired.

Mr. BARBOUR. Mr. Speaker, I move to strike out the last word.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BARBOUR. I yield.

Mr. LAGUARDIA. I want to ask a question. The only claim for damages now presented are by the owners of this land.

Mr. WURZBACH. Yes.

Mr. LAGUARDIA. And there are no individual claims?

Mr. WURZBACH. I do not think that by any action of the committee we could foreclose any equitable claim that may arise from injuries to individuals.

Mr. LAGUARDIA. Well, we might provide that it is in full for all damage claims arising from the use of the land by the War Department. In other words, if the inducement for the legislation and the appropriation of $80,000 is to wipe out all claims, let us say so.

Mr. STAFFORD. That is the purpose of the bill. Let me read an extract from the late Secretary of War, Mr. Good. He says:

> These damage claims received the consideration of two separate boards under the jurisdiction of this department, and said boards are in accord in finding that by reason of the failure of the United States to remove all unexploded bombs and shells prior to relinquishing possession the lands have become unsaleable and their possession undesirable, all to the damage of the owners; that the cost of clearing the lands of the bombs would exceed their fair marketable value if in their normal condition on September 30, 1926; that the restoration of said lands to their normal condition would be impracticable and could not be accomplished without great danger to life or limb; and lastly, that in view of such conditions the lands should be purchased by the United States. Both of the claims filed, however, were found by said boards to be excessive in the amounts of damages claimed, and the result is that satisfactory settlements can not be made with the owners.

We have safeguarded the interests of the Government in every way. The purpose of it is to wipe out the liability the Government has by reason of the contract of lease which we entered into for war purposes.

Mr. LAGUARDIA. The gentleman from Wisconsin is a careful legislator, and I am sure that he will agree with me that it is not very efficient and intelligent work upon the part of the War Department to place itself in such a position. Soldiers may not know anything about real estate, but they ought to know something about explosives, and knowing something about explosives they should have gone to a bombing field where they would not be confronted at the end of the lease with such a condition.

Mr. STAFFORD. But a condition now confronts the Congress in this matter and we are now trying to safeguard the interest of the Government. I do not think there can be any question that we are.

Mr. LAGUARDIA. Is the phrase "certain damages" sufficiently broad?

Mr. STAFFORD. I think so. It is only connected with this one matter. Mr. Speaker, I ask for a vote on the committee amendments.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

### VOCATIONAL REHABILITATION

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report upon the bill (H. R. 10175) to amend an act entitled "An act providing for the promotion of vocational rehabilitation of persons disabled in industry, and otherwise, and their return to civil employment," approved June 2, 1920, as amended, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the conference report upon the bill H. R. 10175, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10175) to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "$80,000"; and the Senate agree to the same.

DANIEL A. REED,
E. HART FENN,
LORING M. BLACK, Jr.,
*Managers on the part of the House.*

JESSE H. METCALF,
JAMES COUZENS,
DAVID I. WALSH,
*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10175) to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: The Senate amendment proposes that allotments of funds unused by the States should be reallotted to other States where funds were available; and the House recedes.

On amendment No. 2: The House bill increased the authorization for appropriation for administrative and other expenses of the Federal board from $75,000 to $100,000. The Senate amendment reduced the amount to $75,000; and the House recedes with an amendment increasing the amount to $80,000 to provide for salary increases under the Welch Act of 1928.

DANIEL A. REED,
E. HART FENN,
LORING M. BLACK, Jr.,
*Managers on the part of the House.*

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

### ONE HUNDRED AND TWENTY-FIFTH ANNIVERSARY OF AMERICAN INDEPENDENCE

The SPEAKER. Under authority of House Concurrent Resolution 28, the Chair appoints the following committee to represent the House of Representatives at the one hundred and twenty-fifth anniversary of the celebration of American independence by the Lewis and Clark expedition, which the Clerk will report.

The Clerk read as follows:

Mr. HOOPER, Mr. THURSTON, Mr. HILL of Washington.

### LOAN OF AERONAUTICAL EQUIPMENT BY WAR DEPARTMENT

Mr. STAFFORD. Mr. Speaker, by direction of the Committee on Military Affairs I call up the bill (H. R. 1420) to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation.

The SPEAKER. The gentleman from Wisconsin calls up the bill H. R. 1420, which the Clerk will report.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to loan, under regulations to be prescribed by the President and without cost to the United States, such articles of aeronautical equipment or material as may be available and as are not obtainable as commercial articles in the open market, to American manufacturers or designers of aircraft or others engaged in research work in connection

with aeronautics for the purpose of assisting in the development of aeronautics, and the Secretary of War shall require in each case from every manufacturer, institution, or person a bond in the value of the property issued for the care, safe-keeping, and return thereof in good order to the United States when required.

Mr. STAFFORD. Mr. Speaker, I yield now to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Speaker, this is a bill which is asked for by the Air Service of the Army and comes here with the recommendation of the Secretary of War. The purpose of the bill is to enable the Secretary of War to lend to manufacturers and inventors in connection with the development of aviation noncommercial material which the War Department may have on hand, the interest of the Government being safeguarded by requiring that a proper bond shall be given. The Judge Advocate General has decided that whereas to-day where there is an actual contract in existence with a manufacturer the War Department may furnish him with any such equipment as a model to assist him in the execution of his contract that can not be done generally to assist inventors or to promote the development of aeronautical equipment.

The purpose of the bill can best be expressed by reading a brief extract from a letter signed by the late Secretary of War, James W. Good, while he was Secretary of War:

It [the bill] will authorize the Secretary of War in his discretion and under regulations prescribed by him, and without cost to the Government, to loan to American manufacturers, designers, and others engaged in the work of development of aeronautics, suitable aeronautical equipment or material to further the purposes of such research or experimentation.

The passage of this act is favored because it will foster research in aeronautics by extension of facilities to independent experimenters. There are no apparent reasons against enactment of this legislation.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

M. TABER. I have had this question raised in respect to this, Mr. Speaker: What will hinder the department from buying material with the specific object in view of turning the same over to the industry?

Mr. WAINWRIGHT. Mr. Speaker, it seems to me that that is almost too grotesque an assumption to require an answer. It seems to me that responsible officers of the War Department and the Air Service might be trusted not to engage in any such practice as that indicated by the gentleman from New York.

Mr. LAGUARDIA. I am sure my colleague would not have asked this question had we not listened to a justification for buying land worth $80 an acre and bombing it.

Mr. TABER. Is the bill open for amendment?

Mr. STAFFORD. It is not, but I yield to the gentleman for a suggestion of an amendment.

Mr. TABER. I suggest that an amendment be adopted after the word "available," in line 6, by inserting the words "which has not been purchased for that purpose."

Mr. STAFFORD. Mr. Speaker, in the interest of expedition, I shall offer that amendment, but I can not see the need of it.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 6, after the word "available," insert "and which has not been purchased for that purpose."

The SPEAKER pro tempore (Mr. HOOPER). The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PURCHASE OF LAND ADJOINING FORT BLISS, TEX.

Mr. STAFFORD. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill H. R. 2030.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 2030) to authorize an appropriation for the purchase of land adjoining Fort Bliss, Tex.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. TABER. I think we ought to go into Committee of the Whole House on the state of the Union. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. STAFFORD. The Chair understands, of course, that the House automatically goes into Committee of the Whole House on the state of the Union?

The SPEAKER pro tempore. Yes; the Chair so understands. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2030. The gentleman from Montana [Mr. LEAVITT] will please take the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2030, with Mr. LEAVITT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2030, which the Clerk will report by title.

The title was again read.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MCFADDEN] may have 10 minutes to speak, out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MCFADDEN. Mr. Chairman, I am indebted to the members of the Committee on Military Affairs for their courtesy in granting me this time.

Mr. Thomas W. Lamont is quoted by the New York Sun of June 2, 1930, as stating before an assembly of the Academy of Political Science at the Hotel Astor that—

Chairman MCFADDEN of the House Committee on Banking and Currency had made "unfounded and unjust accusations" against Germany in connection with the Young plan of reparations.

The Sun further states [quoting]:

He represented Mr. MCFADDEN's statement that Germany went beyond the law in accepting the obligations under the new plan and that the late Herr Stresemann had declared that Germany could not fulfill the obligations.

I am astonished that Mr. Lamont should raise the question of good faith at this late date.

Mr. Lamont is laboring under an illusion. Mr. MCFADDEN in none of his speeches charged the present German Government or the German people themselves with bad faith, nor did he state in any of his addresses that "Germany went beyond the law." What Mr. MCFADDEN did say was to quote Herr Stresemann in a speech delivered by him before the Reichstag on June 24, 1929, with which the investing public of the United States are thoroughly familiar.

This statement was printed in the London Times of June 25, 1929, on page 16, first column. I have it here [displaying file of the London Times]. I have here also a copy of the official record of the proceedings in the German Reichstag of June 20, 1929. The statement of Herr Stresemann appears in that copy, and these are the exact words that I quoted in the previous speech to which Mr. Lamont referred, and I now repeat them and say that they are identical with the statement I referred to in the London Times, and they are from the proceedings in the German Reichstag on that date. This is what Herr Stresemann then said:

Do you think that any member of the Government regards the Young plan as ideal? Do you believe that any individual can give a guaranty for its fulfillment? Do you believe that anybody in the world expects such a guaranty from us? The plan would only represent, in the first place, a settlement for the coming decade. The point is whether it loosens the shackles which fetter us and lightens the burdens which we have yet to fulfill.

And what Mr. MCFADDEN further said was that the reparations bonds, having grown out of the illegal clauses in the armistice upon which the illegal clauses in the treaty of Versailles rest, and from which the German Reparations Commission, as well as the present Bank for International Settlements, derived their authority, constituted an illegal barrier to the commercialization of the present bonds which the American public are now requested to purchase.

What is generally understood by all international lawyers, and in which I thoroughly concur, is that the only forum in which a purchaser of these bonds could recover, in the event of the failure or impossibility on the part of the German people keeping up their payments and thus defaulting upon the payment of principal and interest would be in a German court in which the principles of German law would be applied, and even if the German courts were persuaded to adopt the law of nations

as a guide in their ruling upon the question, it would still be impossible for any German court to decide otherwise than that the bonds were a result of duress and bad faith on the part of the Allies in the armistice and all its subsequent dictating policies and instrumentalities which brings these bonds now into the markets of the world. Therefore it is not a question of the bad faith of Germany at all but the question of bad faith on the part of the Allies which lies at the base of these bonds and entirely destroys their validity in any court of international law, even if the rules thereof be applied in the local courts of Germany.

By referring to the dispatch from Paris in the New York Times of June 3 by Carlisle MacDonald, it will be noted that already efforts are being made for some arrangement by the bankers with the authorities in Germany to overcome the manifest illegality of the bonds now offered, and that so far nothing satisfactory has been invented to overcome this difficulty.

Mr. Lamont can not, by misquoting me, nor by his present attempt to appear sympathetic with the German people, reverse his previous attitude and place the burden upon others of proving the Allies innocent in forcing Germany to submit to terms and thus issue bonds which, under the law of nations and the common promptings of humanity, should never have been done. It is up to Mr. Lamont to excuse his previous attitude and to show conclusively by legal authority that the bonds he now seeks to market in this country are at least capable of being recommended by lawyers of repute. Common honesty demands this at least.

Now, particularly this paragraph in the New York Times report is significant; it says:

> The matter of the price of the bonds in the various markets is still being worked out, but there are indications that American investors will have the opportunity of purchasing them at a very attractive price. One suggestion is that the price will be around 85 or 86, to yield nearly 6½ per cent. That the American price will be approximately at this figure is borne out by the dispatches from Washington published here to-day to the effect that the State Department has given its informal consent to the flotation in American of "one third of the loan," or $100,000,000. Previous estimates of the American share have fixed the amount at $85,000,000, but when this was pointed out in responsible American banking quarters it was explained that if the American issue price was around 85 it would be necessary to sell $100,000,000 worth of bonds to complete the American allotment of $85,000,000.

To quote further, and this is significant:

> It will be recalled that one of the main problems inherited by the committee of four was the delicate question of the services of two portions of the loan; that is to say, the $200,000,000 destined for the allied treasuries and guaranteed as to the interest and principal by a portion of the unconditional annuities of the Young plan, and the third $100,000,000 which the bankers, with the consent of the allied powers, are lending to Germany for the development of her railways and postal services. The latter is secured only by the German budget. It was said to-day that a strong "legal formula" had been reached under the terms of which each portion of the loan will bear an equal guaranty as to interest and principal, thus removing any doubts which prospective investors might have had regarding the security for (what) the $100,000,000 to be paid to Germany.

The Committee on Banking and Currency of the House of Representatives have, through its chairman, requested from our State Department information which has not been forthcoming—the chairman is still insisting and waiting—yet we find that the State Department, if the above statement be true, has been cooperating with and keeping fully informed the foreign interests which are now seeking to market their securities in this country.

Is it not about time, in view of these recited occurrences, that the State Department now inform Congress and the American investing public what position it does actually assume in regard to the legality and sale of the bonds now being recommended by Mr. Lamont which are to be sold by J. P. Morgan & Co. to the American investors? Mr. Lamont should also now make clear to the American investing public whether he proposes to sell $100,000,000 worth of the proposed commercialized German reparation bonds, which require a strong formula for their support, or whether J. P. Morgan & Co. propose to sell to the American public the $100,000,000 worth of bonds representing an advance by the bankers to the German Government for the development of her railway and postal services, which are only secured by the German budget.

Recognizing the fact that the American people have long memories, there are few of our own investors in Liberty loan and Victory loan bonds who will fail to recall that bonds of this great country for which they paid 100 cents on the dollar fell after the armistice to 82 cents on the dollar. Remembering this, it is a matter of caution, suggested by common sense, that reputable bankers see clearly a solid legal basis for offering such securities in their own home markets.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. STAFFORD. Mr. Chairman, I yield to the gentleman two additional minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for two additional minutes.

Mr. McFADDEN. Remember, if you please, that Mr. Lamont and his conferees have been advocating to the world that $300,000,000 worth of German reparation payments was to be commercialized and sold in the nine countries of the world in accordance with the terms of the agreed-upon Young plan, whereas now we find that only $200,000,000 of German reparation loans are to be commercialized and sold in these countries, and that the bankers are granting now a separate loan to Germany of $100,000,000, which is to be secured outside of reparation payments.

It is interesting to note, in this connection, during the discussions that have been taking place since I raised the question of the legality and security back of these bonds that England has persistently opposed the taking on of England's quota of these bonds until the question of legal and ample security was fully determined; Mr. Snowden, the chancellor of the exchequer, last week intimated that if England was forced to take this issue, in order to save a breakdown of the Young plan, the amount should be credited on account of reparation payments due from Germany to England and in case of default would then become a mere bookkeeping entry.

Mr. Lamont has failed to explain to the public the incident of a large portion of these bonds which were to be subscribed by the Dutch bankers, as well as of those allotted to the Japanese and Swiss bankers, and of the $5,000,000 additional allotted to Germany, which, when Germany protested, France agreed to assume—he has failed to explain these incidents which are so far suspended in midair that the American people are wondering what their destiny will ultimately be. A whole new chapter has been written in these various conferences abroad since I raised the question of the validity of these bonds and the security back of them. This is now a matter of such importance that the enlightened mind of Mr. Lamont could be better directed toward its solution than misrepresenting an American citizen who is attempting to defend the interests of his own countrymen.

Will Mr. Lamont now submit "this strong legal formula" so as to remove the doubts which American investors now have respecting the validity of the $100,000,000 issue which is to be floated in this country? [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. TABER. Mr. Chairman, I ask for recognition in opposition to the pending bill.

Mr. STAFFORD. I yield 10 minutes to the gentleman from South Carolina [Mr. McSWAIN].

The CHAIRMAN. The gentleman from South Carolina is recognized for 10 minutes.

Mr. McSWAIN. Mr. Chairman and members of the committee, I will take a few moments to go into the history of this matter.

Some five or six years ago we passed an act to authorize an appropriation of $366,000 for the purchase of a specific tract of land containing 3,600 acres known as the Ascarate tract. In the Committee on Military Affairs that bill was very urgently and insistently advocated by the officers of the War Department, including the Chief of Staff. I insisted upon an amendment whereby the purchase of the definite tract of land was stricken out, and the Secretary of War was authorized to purchase any tract of land to be used in connection with the reservation at Fort Bliss; and that motion prevailed in the House and in the Senate and became law.

When the Secretary of War proceeded to function under this authority different parcels of land were offered at prices very much lower than the price contemplated by the original bill, the price there being fixed at $100 an acre for the Ascarate tract. As the result of these various offers the Secretary of War purchased an entirely different tract containing 4,500 acres, instead of 3,600 acres, at a cost of $91,000 instead of $366,000, and in fact I felt rather proud of what seemed to be an accomplishment in the interest of economy.

The chairman of the committee [Mr. JAMES] who is now sick, visited this post last year some time, I think in August or September, and when our committee was organized in December the subcommittee of which he was chairman had this present bill up for consideration, to authorize the purchase of the same land as was contemplated originally, the Ascarate tract, and

I feel that I am justified in stating what the chairman of the subcommittee and the chairman of the whole committee [Mr. JAMES] said at the time the hearing was had before the subcommittee.

I do not know whether it is in the printed report of the proceedings or not, but he said he had been on the ground and had gone into the matter very carefully and had come to the conclusion that the 4,500 acres which was bought was not adapted to nor useful for the main purposes of the command stationed at Fort Bliss. That is a cavalry division. The gentleman said this 4,500 acres was very good for target practice, for artillery practice, as well as for rifle practice, and very good for bombing practice with airplanes, but as far as maneuvers of the cavalry command stationed there are concerned, it is undesirable for two reasons. First, on account of the topography. It is perfectly flat and does not admit of the maneuvers that are necessary for the training of cavalry. In the next place, the gentleman said the ground is very thickly covered with cactus and that the spines or stickers of the cactus get into the legs of the horses and prove very harmful, and it is therefore a serious drawback to cavalry practice.

Mr. COLLINS. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. COLLINS. He must have bought it sight unseen?

Mr. McSWAIN. I do not know how he bought it. I am only saying that he did buy it for about $20 per acre, or a little less than $20 per acre, whereas the other tract, it was insisted, was cheap at $100 per acre.

It is also necessary that there should be a landing field at this fort, and it is necessary that there should be additional room in connection with the fort for close-order drill. The land that is now said to be very desirable to purchase, to wit, the Ascarate tract, contains a depression which completely conceals the cavalry units at certain times of the maneuvers, and yet enables them to come up on the plateau, and, for purposes of instruction, appear to take by surprise, by flank movement or otherwise, artillery or infantry units. They say it is very desirable topographically. A number of officers appeared before the committee. I think there were three or four separate hearings on this bill.

You may well understand that my original attitude was somewhat unfriendly to the situation, because I felt some pride in saving the Government $280,000 in the other deal, and yet I felt compelled to yield to the superior judgment of the chairman of the committee [Mr. JAMES], who has been on the land and inspected it, as I know he does inspect properties when he goes for the purpose of seeing the true conditions. He told us that this land represented on the plat which I hold in my hand, surrounded by blue and red and buff, represented three separate tracts which he deemed necessary and very essential.

Mr. LAGUARDIA. What is the scale of that map?

Mr. McSWAIN. I am sorry to say I do not know.

Mr. COLLINS. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. COLLINS. Does it constitute an entire county?

Mr. McSWAIN. No; it does not constitute an entire county.

Mr. STAFFORD. Does it constitute the entire Lone Star State?

Mr. McSWAIN. No, indeed; nor even one of the five possible States.

Mr. LAGUARDIA. We purchased that a short time ago.

Mr. McMILLAN. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. McMILLAN. Do I understand the gentleman to say that this 3,600-acre tract is now needed, in addition to the 4,500-acre tract which was purchased last year?

Mr. McSWAIN. Yes, sir; exactly. That is our opinion, for this reason: The 4,500-acre tract is not contiguous to the reservation. I believe it is several miles from the fort and on the other side, so that to go to maneuvers and practice from the existing reservation to the 4,500-acre tract which was acquired pursuant to the original authority it is necessary to go through the city, whereas the land now proposed to be purchased is immediately contiguous to the reservation. The first tract adjoins the reservation. There are three tracts. The second one adjoins the first tract, and the third one adjoins the second tract, so that it makes one connected piece of property.

Mr. McMILLAN. Assuming that the War Department would have purchased the 3,600-acre tract last year, would it have been necessary at this time to buy the 4,500-acre tract?

Mr. McSWAIN. No; I do not think so. It is contended by the officers who have appeared before the committee that the purchase of the 4,500-acre property was a mistake. It is usable, as I have stated.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. McSWAIN] has expired.

Mr. STAFFORD. I yield the gentleman from South Carolina five additional minutes.

Mr. McSWAIN. It is used for a practice field for the field artillery, as well as bombing from airplanes and for rifle practice, but perhaps it would not have been necessary to purchase it. However, the chairman of the committee, in whose judgment I have great confidence, not only from the point of view of what is desirable from a military point of view, but even more so from the point of economy, has been on the ground. I have not. The gentleman says it is necessary.

Mr. COLLINS. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. COLLINS. The 4,500 acres is not adjacent to Fort Bliss?

Mr. McSWAIN. No. It is several miles away.

Mr. COLLINS. It is a tract of land several miles from Fort Bliss?

Mr. McSWAIN. Yes. That is right.

Mr. COLLINS. Was the War Department given authority to buy that tract of land?

Mr. McSWAIN. It was given authority to buy whatever land it decided was necessary and desirable for use in connection with Fort Bliss.

Mr. COLLINS. And they bought it?

Mr. McSWAIN. Yes.

Mr. COLLINS. How does the gentleman know that under the terms of this bill they will not buy 4,500 acres of land 9 miles in some other direction?

Mr. McSWAIN. I do not know it.

Mr. COLLINS. And how does the gentleman know they will not use the same bad judgment they used in purchasing the 4,500 acres?

Mr. McSWAIN. I do not know it. Nobody can know it, and I am the mover of the amendment that changed the language of this bill so they could not buy a specific piece of property at a specific price. I think this House is not in a position to say what land is worth and what particular piece of land must be bought. We are not in a position to say that. I say this, as this amendment proposes, that the Secretary of War is authorized to call for bids for land at a price which the owners are willing to accept. If he considers that any one piece of land is necessary and desirable, and if it is approved by the corps area commander, then he buys it, and if the Appropriations Committee furnishes the money, the transaction is over, and that is all there is about it. We must vest discretion somewhere.

Mr. McMILLAN. I think the gentleman is eminently correct in his views on that score, but I want to ask the gentleman if he can tell the House whether there has been a reduction in price over the price they wanted for it last year?

Mr. McSWAIN. There is no offer of a price now.

Mr. McMILLAN. Last year, as I understand it, it was $100 an acre.

Mr. McSWAIN. That was five or six years ago. However, we are not concerned in the price. I do not know what it is worth, and the whole purpose of this amendment and the whole purpose of the report which I wrote is to try to get that land at not one cent more than it is worth.

Mr. TABER. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. TABER. How long ago did we buy the 4,500 acres?

Mr. McSWAIN. I think it was about five years ago.

Mr. TABER. Has it been in use ever since?

Mr. McSWAIN. Yes.

Mr. TABER. Does the gentleman know how many cavalry troops are there?

Mr. McSWAIN. There is something less than a cavalry division.

Mr. TABER. That means about how many?

Mr. McSWAIN. I do not know. I should think there were 8,000 or 9,000 Cavalry troops there.

Mr. TABER. Eight thousand or nine thousand cavalry troops?

Mr. McSWAIN. I think there would be that many.

Mr. TABER. Would it not be nearer 800 or 900?

Mr. McSWAIN. Oh, no.

Mr. TABER. There are only 8,000 or 9,000 cavalry troops all together in the continental United States, and they are not all there by any means.

Mr. McSWAIN. They are nearly all there. That is the cavalry division on the frontier.

Mr. LAGUARDIA. My colleague from New York is asking as to the real and actual number of cavalry troops and not the paper regiments.

Mr. McSWAIN. Well, I do not know; but I do remember that they stated there was something less than a cavalry division there. However, they also have other organizations there.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. STAFFORD. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. GARRETT. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. GARRETT. I want the gentleman to show in his remarks the testimony of General Moseley as to the character of this land in particular, and that the Government of the United States has had the free use of it for years and years. The Government has had the use of it and it has never been charged any rent for the use of this land. This is by far the largest cavalry post in the United States, and General Moseley, as the gentleman will recall, has soldiered all over that country, and he said that, in his opinion, it was absolutely necessary for this land to be acquired and added to that post.

Mr. McSWAIN. That is their opinion, but I am unwilling to say that legislatively; hence, I have asked that this bill be amended so that there shall be offers of land from anybody who wants to sell land, and whether the other land is desirable or not, it will test the value. It will be a measure and standard of value whereby the War Department can judge as to what is the true value of the land.

I have also suggested in the report that they shall not be bound by the appraisal of some bunch of real-estate dealers but that they shall go to bankers, who are usually conservative men, and get their opinions. I feel we are obliged to yield our judgment as to what is needed and that we must leave that to military experts. It is a question of military and professional opinion as to what land is necessary. It is true, as the gentleman from Mississippi points out, that the former general in command make a mistake in the opinion of those who have come upon the scene since, and it is said he was the only officer in high command who ever entertained the opinion that the 4,500 acres were desirable. As I say, at the time I applauded him because I thought he had accomplished something in the interest of economy, and I am glad he at least showed an inclination to do so, whether he made a mistake or not.

Mrs. KAHN. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mrs. KAHN. This property is becoming very valuable now for industrial purposes, and it is necessary to get it at once, if we want to get it at all.

Mr. McSWAIN. Mr. JAMES said there are a great many small cabins being built on one of the tracts adjacent to the reservation and that doubtless it will be very difficult to get the property later, if not very much more expensive to acquire this property a few years later.

Mr. TABER. Mr. Chairman, it appears that the War Department five or six years ago obtained an authorization, an appropriation, and purchased 4,500 acres of land; that this land has been used for five or six years for the purpose of the maneuvers of a cavalry post at or near Fort Bliss. Until September 9, 1929, there was no substantial move made by the War Department to get hold of any other land. On that date the Acting Secretary of the War, Patrick J. Hurley, sent a letter to the chairman of the Committee on Military Affairs going into the facts, and he also went into the question of the desirability of purchasing 3,600 acres, which were originally contemplated. There is not anything to show in all of these proceedings that these 3,600 acres, which were originally desired, could be had. There is not anything to show that they can be had for a reasonable sum. There is not anything to show in a fair way that this land is needed for the necessary maneuvers of cavalry troops at Fort Bliss, Tex.

The number of cavalry troops all together is about 7,977 in the whole United States. The largest number in any area was the Eighth Corps Area. Is that the area within which this post is located?

Mr. McSWAIN. Yes.

Mr. COLLINS. Will the gentleman yield?

Mr. TABER. Yes.

Mr. COLLINS. But the cavalry in this particular corps area is covered over a distance of 500 miles up and down the Mexican border.

Mr. TABER. That is what I understand, and the total number in the corps area is 3,560.

This number, as well as the number of cavalry in the United States, is constantly decreasing. We are constantly being asked for, and making, appropriations for the development of mechanized units which are taking the place gradually of cavalry units. Now, is it good judgment, is it a fair thing for us at this time to authorize the purchase of 3,600 acres of land? We do not know whether we can get desirable land or not, and should we go ahead and spread ourselves and put a great deal of money into a project that is gradually fading away and slipping away from us?

We have got 4,500 acres, and for four or five years the War Department has used this 4,500 acres for cavalry maneuvers without complaint. It is true they had to go a little distance to get to it, but they knew that when they bought it.

This project has not always commended itself to the powers that be.

Mr. GARRETT. Will the gentleman yield?

Mr. TABER. Certainly.

Mr. GARRETT. It is unfortunate we have not the testimony of General Moseley here, but the gentleman from Mississippi has referred to this cavalry being used up and down the entire course of the Rio Grande. General Moseley testified, as I recall, that practically the entire cavalry is now being concentrated at Fort Bliss and that the patrol service up and down the border is being conducted now largely by motor service; but they have to keep the cavalry there. I asked him the question myself if it would be possible to abandon Fort Bliss and make further concentrations at other places, and he said it would not; that Fort Bliss would always be a strategic and necessary post on the border between the two nations, and one of the most important. This question was asked him looking to the very thing the gentleman is now discussing, and this was his positive testimony; and, as the gentleman will remember, General Moseley is the man who has soldiered for many years up and down that entire Rio Grande country and knows about it from one end to the other and knows what is best from a military standpoint for that section, and this is his idea.

Mr. TABER. The gentleman has brought out the meat of this situation and that is we have come to the point—I am sorry I have not the figures here to trace it down for a great many years, although I know it could be done—where the number of cavalry in commission and the number of cavalry in this corps area is less and less year by year. The gentleman has brought out the point that cavalry is more and more giving place to mechanized units and that the patrol work along the border is now being done almost entirely by motors.

Mr. GARRETT. May I say to the gentleman right there that I have stated the testimony of General Moseley when we questioned him as to whether or not the abandonment of the cavalry was practical or possible, and he said that while the motorized service was advancing to a high state of efficiency, yet in that section of the country it would be utterly impossible and foolish to abandon the cavalry because there are times and there are places where the motors can not go and where you would have to have cavalry.

Mr. BARBOUR. Will the gentleman yield?

Mr. TABER. Yes.

Mr. BARBOUR. Even though that is the fact, is it not also true we have a number of cavalry posts throughout the United States that are ample to take care of all the cavalry we have in the United States Army to-day, and more too, if necessary?

Mr. TABER. Yes.

Mr. STAFFORD. Does not the gentleman realize, too, that it is a matter for the War Department to determine where our troops are to be placed, and the War Department has positively determined that we should maintain a cavalry post along the Rio Grande and not on the Canadian border? If the War Department had decided it should be on the Canadian border, that would be one thing; but the strategists of the War Department have said it is necessary to have it on the Rio Grande. Are we, as a legislative body, to depart from the recommendation of the strategists whose proper province is to determine where these posts are to be located?

Mr. BARBOUR. As a legislative body we have a perfect right, and it is our duty, to examine the recommendations of the War Department and use our judgment in regard to them.

Mr. STAFFORD. Oh, examine; but not determine the place.

Mr. BARBOUR. We can determine the place, and in these days of moving troops rapidly, you do not have to have them right on the border line.

Mr. STAFFORD. I have not reached that stage, after my years of service, where I wish to place my judgment above the judgment of the strategists of the War Department.

Mr. BARBOUR. The gentleman has done that frequently when the War Department bills were in here.

Mr. STAFFORD. Cite one instance. That is a very easy and flippant remark for the gentleman to make.

Mr. BARBOUR. It is not a flippant remark.

Mr. STAFFORD. I say it is. Cite one instance.

Mr. BARBOUR. Just give me an opportunity and I will. The gentleman, at least on one occasion, and perhaps on more than one occasion when the War Department bill was before the House of Representatives made the statement in regard to

a recommendation of the War Department that such provision in the bill was ridiculous. The RECORD will show it.

Mr. STAFFORD. Perhaps the recommendation of the subcommittee on the War Department bill was ridiculous, but not the recommendation of the War Department.

Mr. BARBOUR. The recommendation of the subcommittee was in accordance with the recommendation of the War Department, and the subcommittee was simply bringing before the House the recommendation of the War Department. If the gentleman wants me to cite some more instances——

Mr. STAFFORD. Yes; I would like to have a specific instance and not a general reference.

Mr. BARBOUR. That is what I am giving the gentleman. It is in the RECORD and the gentleman can check it up.

Mr. TABER. I am pleased to see that the gentleman from Wisconsin has now got to the point where he is ready to take the dicta of the ranking officers of the War Department as gospel.

Mr. STAFFORD. But certainly not the dicta of the members of the subcommittee on the War Department appropriation bill.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. TABER. Certainly.

Mr. WAINWRIGHT. In reply to the gentleman from California, cavalry in other parts of the United States is hardly available for use, and for speedy use, along the border. Briefly may I say in reply to the suggestion that we are rapidly coming to the use of motorized troops and that motorized troops will take the place of cavalry, the committee went into that question very carefully.

The committee was convinced that so far as the defense of the border and the military needs of that border was concerned, the time has by no means arrived when we could dispense with cavalry. The number of cavalry now available on the border is little enough in view of the tremendous lines of border that they have to cover. Also that in certain seasons of the year it is utterly impossible to move troops by motor. In heavy rains it would be impossible, except through the medium of cavalry and horse-drawn transport and troops mounted on horses—it would be impossible to cover this border. It seemed to the committee, in view of the tremendous importance of that feature of our whole military policy, that the needs and the views of the War Department as to what was necessary was entitled to very serious consideration.

In view of the fact that that tract has been in use a long time because it was necessary to be used, the time had arrived when the Government should acquire a necessary tract, in view of the fact that the increase of population of El Paso was spreading out and increasing all of the time, there might come a time when we might absolutely have to have it and the price would be prohibitive. This was a prudent measure of foresight at this time to acquire this tract of land.

Mr. JOHNSON of Texas. Will the gentleman from New York yield?

Mr. TABER. I yield.

Mr. JOHNSON of Texas. Is it not true that the Director of the Bureau of the Budget in a letter to the War Department dated January 17, 1930, stated that the bill and the expenditure contemplated under it would not be in conflict with the program of the President? Also on the 24th of January, 1930, the Secretary of War in a letter to the chairman of the Committee on Military Affairs of the House urged the passage of this bill.

Mr. TABER. I am coming to that. That is a part of the history of this legislation.

Mr. JOHNSON of Texas. Does the gentleman decline to answer the question?

Mr. TABER. I am going to answer it but not in those words. I am going to give the committee a picture of the situation. There is no question but that the cavalry should be placed where they can have reasonable maneuvers. Out of the 3,500 cavalry in the Eighth Corps there are 1,341 at Fort Bliss at the present time. That is not enough, so that we are in a position to say that we ought to spend a lot of money for this sort of thing.

I will tell you the history of this bill. The bill was introduced and then referred by the chairman of the Military Committee in the usual course of procedure, to the Secretary of War.

The Secretary of War said:

There are no provisions of existing law authorizing the purchase of this land.

As you know, the act of Congress approved February 24, 1925 (Public, 448, 68th Cong.), entitled "An act for the purchase of land adjoining Fort Bliss, Tex.," authorized an appropriation of not to exceed $366,000 for the purchase of land in the vicinity of and for use in connection with the Fort Bliss Military Reservation. This sum of money was appropriated in the second deficiency act, fiscal year 1925. (Public, 631, 68th Cong.)

Believing that the price asked for the land in contemplation was too high, the War Department purchased other lands shown in broad orange outline on attached photostat at a price of $91,000, including incidental expenses. Of these two tracts of land, one lying about 1½ miles northeast of the post is used by the Air Corps, while the other tract lying about 3½ miles north of the post is used for small arms and artillery target practice, and is available at other times for field training. The unexpended balance of the $366,000, amounting to $275,000, reverted to the Treasury as savings.

The land shown in broad blue outline on the attached photostat is substantially that which was originally in contemplation for purchase, and is the land referred to in subject legislation.

The acquisition of the tracts in question is essential to the future development of this important post, as the land already possessed is not sufficient and in certain cases not suitable for the training of a cavalry command of the size and importance of that at Fort Bliss. The Morehead tract is the most desirable area in the vicinity of Fort Bliss for close-order training, reviews, and other ceremonies and its proximity to the post is of advantage in increasing the time available for close-order training.

The Ascarate tract is most suitable for training in cavalry field exercises and problems and is in fact the only available land in the vicinity of Fort Bliss for this purpose. It is not likely to be reduced in price, but, on the other hand, the price may increase with the growth of the city of El Paso. It should also be noted that if this land is acquired at the figure mentioned in the proposed legislation, the total cost of the land proposed to be purchased and that which was purchased in 1925 would amount to but $6,305.70 more than the sum of $366,000 originally appropriated in 1925.

If any additional information from the War Department is desired, I shall be pleased to furnish it. Should hearings be held upon the proposed legislation, witnesses will be designated to appear.

The proposed legislation has been submitted to the Director of the Bureau of the Budget who advises that the expenditure contemplated would not be in accord with the financial program of the President. I therefore do not favor the passage of the bill.

I do not know what happened between that time and January, 1930, when the Secretary of War sent another letter up to the committee saying that the Bureau of the Budget had reconsidered. I do not know what happened between those two dates, but I am satisfied, in view of the fact that the pressure for this legislation came from outside of the War Department, that it was not the authorities in the War Department who are interested in and back of this bill. I am satisfied that it was more a development proposition. I am willing to go along on the development of military propositions where they are necessary, but in this case it appears to me to be absolutely unnecessary, and for that reason I do not like to go along with them. For that reason I think we should reject this legislation.

I reserve the remainder of my time.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. WURZBACH].

Mr. WURZBACH. Mr. Speaker, Fort Bliss is one of the largest and most important military establishments in the United States. The Government has an investment at Fort Bliss of more than $8,000,000, and the Government needs the additional land contemplated in this bill to properly round out its investment. I am not quite as great a military expert as some of the gentlemen on the subcommittee of the Committee on Appropriations, who are criticizing this bill. I realize that Congress has the right and duty to supervise governmental expenditures for the Army. In this case the Appropriations Committee in 1925 recognized the importance of the acquisition of land for this purpose, because in the second deficiency act for the fiscal year 1925 an appropriation was carried for $366,000 to purchase 3,600 acres of land. Every corps area commander and every general commanding at Fort Bliss since 1919, except General Castner, favored the acquisition of the particular tract of land that it is sought to purchase under the provisions of this bill. I think it was due to General Castner's efforts that they bought 4,500 acres of land 4, 5, or, as the gentleman from South Carolina stated, 9, or 10 miles from Fort Bliss. That purchase was probably ill-advised. I think the gentleman from New York [Mr. TABER] is mistaken when he says that the 4,500 acres of land have been used for cavalry drill purposes. The 4,500 acres of land have been used principally, if not wholly, for small arms and artillery target practice and for aviation purposes.

The Army has been using for cavalry maneuver purposes this identical land that is now sought to be purchased by this bill, and it has been used with the consent of the owners of that land without charging the United States Government one copper cent for the use of it, and that since 1919. Three hundred and sixty-six thousand dollars was appropriated by the Congress for the acquisition of the land, and $91,000 of it was used in the purchase of the 4,500 acres, which are wholly unfit

for the purposes for which the Army now says it needs land. Two hundred and seventy-five thousand dollars was turned back into the Treasury. It is sought, not to purchase 3,600 acres of land in this bill, but, as I understand it, 2,623 acres of land adjoining Fort Bliss on the southeast at the price of approximately $281,306. It follows that, in order to purchase the land that the War Department now needs, the $275,000 that was covered into the Treasury, and the sum of about $6,000 additional, will be enough to purchase the land the Government needs, and needs badly.

The two gentlemen from New York, the one from the city of New York [Mr. LAGUARDIA] and the other from the more or less rural sections of New York State [Mr. TABER], have undertaken to say what kind of forces we need on the Rio Grande border. I would like to have these two gentlemen visit us in El Paso.

Mr. TABER. Oh, I have not undertaken to say what kind of forces the Government needs on the Rio Grande border. I was just calling attention to what they have and what they use.

Mr. WURZBACH. Then I misunderstood what I considered the main point of the gentleman's argument. If he did not argue that motor transportation was the kind of transportation needed there, instead of horse transportation, I think the membership may disregard about two-thirds of his speech.

I repeat, I would like to have the gentlemen, for educational, if for no other purposes, visit El Paso and that section of the country. El Paso, in the opinion of Army men—and this was elicited at the hearings—is the most strategic place for a cavalry division station in the United States. It is right at that point where the Rio Grande makes a turn to the west. El Paso commands a border of more than 1,000 miles, 600 miles or so to the south and several hundred miles to the west.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. WAINWRIGHT. Simply to call attention to the fact that in the last border difficulty when it became necessary to concentrate troops on the border—and there were 40,000 to 50,000 troops concentrated at El Paso—this land and much other land was needed for the purpose.

Mr. WURZBACH. Yes.

Mr. LAGUARDIA. Does not the gentleman, who is always so considerate, consider it extremely bad taste to discuss the necessity of being prepared at the border of a friendly nation?

Mr. WAINWRIGHT. Sometimes in a discussion of a measure of this kind it is necessary.

Mr. LAGUARDIA. We have our cavalry down there because it is a good, convenient place to have cavalry stationed, on account of the topography of the land.

Mr. WAINWRIGHT. And of course the gentleman must realize that I was referring to a past occurrence.

Mr. WURZBACH. Mr. Chairman, I do not care to yield any further. We have had troubles with Mexico in the past. It was not so many years ago that we were forced to invade Mexico in pursuit of Pancho Villa. Mexico has an army post on her side of the Rio Grande directly across the river from El Paso, and our maintaining Fort Bliss can not be, and is not in fact considered an evidence of a war-like spirit on our part toward our sister republic. But getting back to motor transportation, I would like to see the two fine gentlemen from New York [Mr. TABER and Mr. LAGUARDIA] conducting a military campaign in that section with motor vehicles. You need horses in that country, if you need them anywhere in the world.

This is the first time I have heard it seriously contended that horses have gone out of the picture entirely, so far as the Army is concerned.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. TABER. I have not made any such statement as that. I said simply that the cavalry is a service in which the records as submitted from year to year show that the number of men and horses in the service was gradually decreasing. Having that in mind, I thought it was not necessary to provide larger facilities for training than we have already.

Mr. WURZBACH. I think perhaps the gentleman only meant that that arm of our military force was decreasing. Without stating how rapidly it will decrease in the future, I still assume that we will need cavalry in the next 40 or 50 years, and therefore I think provision should be made for a cavalry force at Fort Bliss.

I do not think we have any reason to fear that the owners of the land at Fort Bliss will try to hold up the Government. They have never shown any disposition to do that heretofore; and if the United States is as fortunate in the purchase of land in other parts of the country as it has been in Texas, I am satisfied that the expense incident to buying land for military purposes by the War Department would be very much reduced.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. GARRETT. If these people had charged the Government a reasonable amount in recent years for the land that the Government has had the use of for nothing, would not that alone have covered the price of the land? That has been going on for about 18 years.

Mr. McKEOWN. If we should have an armed conflict with Mexico, would not the cavalry be the largest part of the proposition?

Mr. WURZBACH. Yes. I should say that on the Mexican border, at many places, you could not move with reasonable dispatch with any kind of motor vehicle. For distances of 100 miles there are not even dirt roads for wagon travel. You have got to abandon wagons and use pack animals to get around in some parts of that country, and without horses in many parts of El Paso section of the Mexican border country absolutely no progress could be made.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, El Paso is 400 miles west of my district. This is the bill, as you know, of my colleague Mr. HUDSPETH. When I first came to Congress, over 13 years ago, El Paso was in my district, and I then represented all of that western country. There are counties out there that were then 150 miles across them. At that time El Paso was a very small city, but since then it has grown enormously. The present census, recently taken, gives El Paso 101,975 people. So it is now quite a city, and property there has advanced in value tremendously.

I think it would have been a great investment on the part of the Government, just for pasturage alone for the 1,300 cavalry horses, to have paid the $20 an acre that was paid for this 4,500 acres. If they had not used it for anything else but pasturage purposes through certain seasons of the year to take care of and maintain cavalry horses it would have been a splendid investment.

I would like you to notice this map [exhibiting same]. My colleague from San Antonio spoke of the enormous stretch of the Rio Grande. Here is El Paso [indicating] and the Rio Grande River, running 900 miles through territory protected by Fort Bliss. Then you have all the border country up north and west. You will remember the raids that have been made—the raid at Columbus, N. Mex., and the raids down in the Big Bend country.

You remember when General Pershing crossed with his men. He crossed not in the automobile country, with limousines, but in the mountain country, where, as my colleague has well said, you can not travel even with horses. I have been all over it, and I tell you that for the next hundred years this Government is going to have to maintain a large cavalry force at Fort Bliss. It is the only thing that puts respect into the hearts of revolutionary Mexicans and the Mexican outlaws. The enmity displayed toward this country is not so much from the Government of Mexico but it is from the enemies of Mexico, the revolutionists in Mexico, who cross our border, just as they impose on the Mexican Government. If you could go down there and look at that country, which this cavalry force at Fort Bliss protects for the American people, you would not hesitate for a minute to vote for this additional $6,300.

This is nothing in the world but an addition of $6,300 to the appropriation that was once before made by this Congress to buy land. That is all.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BLANTON] has expired.

Mr. STAFFORD. I yield three additional minutes to the gentleman from Texas.

Mr. BLANTON. This is simply making available the residue of the former appropriation and adding to it $6,300. I want to say that with the growing population of El Paso and the advancing of land values there, there will never be a day when the Government can not sell this property at a profit if they so desire.

Because of the fact that our distinguished colleague from El Paso [Mr. HUDSPETH] is not able to be on the floor to-day on account of ill health, I hope the membership of the House will pass this bill.

Mr. TABER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman and members of the committee, this bill presents so many phases of the subject of military appropriations and military policy of this Government that it affords an opportunity to Members of the House to pause and

reflect just what we should do in the way of acquiring more land, in the way of appropriating more funds, and how far Congress wants to take the initiative in establishing the military policy of this country, or to what extent we should permit the War Department to do it.

My kind and genial friend from Texas [Mr. WURZBACH] expressed the hope that my colleague from New York and myself could go down and see the topography on the Mexican border.

Let me say to my friend from Texas if there is one thing I know anything about it is a military post. The happiest days of my boyhood were spent down at Fort Huachuca, not far from the border, in the then Territory of Arizona, when cavalry was cavalry, when there were hardboiled soldiers.

Many of the original functions of cavalry have become obsolete. I will grant that the topography down in the southern part of Texas along the Mexican border is such that automobiles can not go everywhere. My colleague from Texas points out that General Pershing took his cavalry into Mexico. If I remember correctly, the mission of General Pershing when he took his cavalry into Mexico was to capture Villa. When Villa was captured, he was sitting in the back seat of a limousine many years afterward.

Mr. WURZBACH. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. WURZBACH. The gentleman does not mean to say that Villa was in the back seat of an automobile from the time General Pershing was after him until he was killed five or six years later?

Mr. LAGUARDIA. We know that the cavalry did not capture him.

Mr. WURZBACH. I was wondering what significance that statement had, in connection with the Pershing campaign.

Mr. LAGUARDIA. I was wondering what significance the reference to the Pershing expedition had in connection with the necessity for increasing the cavalry forces?

Mr. WURZBACH. Because General Pershing went in there with cavalry. He did not go in there with Ford cars or any other motor vehicle.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BLANTON. The gentleman will remember that General Pershing did not capture Villa simply because horses could not go up in the mountains where Villa was hiding.

Mr. LAGUARDIA. So, even the cavalry could not do it?

Mr. BLANTON. Even the cavalry could not do it, but it put the fear of God in Villa's heart.

Mr. HOWARD. Will my colleague yield?

Mr. LAGUARDIA. So much for the cavalry and so much for the topography which the cavalry can not reach.

Mr. HOWARD. Will my colleague be a little less partial in his recognition?

Mr. LAGUARDIA. Certainly.

Mr. HOWARD. I wanted to challenge the statement of the gentlemen from New York that the cavalry arm of the United States Army had become obsolete, because if that statement goes unchallenged it is a violent reflection on my friend the chairman of the appropriations subcommittee having to deal with appropriations for horses. I recall a little while ago when the gentleman came in and recommended a large appropriation, perhaps $300,000, for new propagators for the purpose of securing more horses for the Army.

Mr. LAGUARDIA. That is the only way we can get horses. We can not turn them out in a factory.

Mr. HOWARD. But why deny a place to pasture them?

Mr. LAGUARDIA. What I said was that many of the functions of the cavalry had become obsolete. Originally the cavalry was used for scouting purposes and for reconnoitering, sending out scouts to ascertain the location and layout of the enemy to be attacked or the terrain to be covered. For that we now use airplanes exclusively. For purposes of reconnoitering and for purposes of scouting aviation is used exclusively, and on that there is no difference of opinion.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BLANTON. If they are located with airplanes, the airplanes can not land in that country at all. They have to come back and then send the cavalry after them.

Mr. LAGUARDIA. On these mountain peaks, where the gentleman just admitted the cavalry could not reach, aviation could drop bombs there and make it most uncomfortable.

Now, there is one thing on which I am sure military experts will agree, that while we may keep a certain amount of cavalry at this time, for purposes which we need not detail, we do not expect to increase our cavalry forces. I think it was the gentleman from South Carolina, in opening the debate, who stated that we needed this additional ground because we had 9,000 troops there. As a matter of fact we have 1,300 cavalry troops at Fort Bliss.

Now, gentlemen, we are laboring under a sort of conflicting theory to-day. A few moments ago we appropriated splendid alfalfa and rich agricultural land on which to drop bombs. Now, the gentleman from South Carolina has pointed out that some of this land is covered with cactus and thistles, and is not good for the cavalry horses. What stand do we take? It has been stated repeatedly, particularly in the acquisition of land for an airport in the city of Washington, when it was asked "Where are you going to have this land?" "Oh, we can not tell you, because if we announce it, if we have publicity about it, it will cost so much." Now, the gentleman from South Carolina provides in the bill that we should give wide publicity in order to get the land cheaper. I do not know which of the two theories is correct. If on one hand we are told we should not disclose location of land because if we do the price will go up, and then later on, in another bill, we find "wide publicity" in order to keep the price of land down, which theory shall we adopt?

Mr. McSWAIN. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. McSWAIN. I am cognizant of the two different theories. I agree that in all Government business there should be absolute publicity in every detail. Now, with which theory does the gentleman from New York agree?

Mr. LAGUARDIA. I agree with that same theory, as the gentleman knows.

Mr. McSWAIN. I thought so, and that is the reason I asked the question.

Mr. LAGUARDIA. I was pointing out some of the inconsistencies of legislative expediency.

Mr. McSWAIN. As long as I am individually consistent, that is all I am concerned with.

Mr. LAGUARDIA. Now, gentleman, it was stated that this bill calls for an appropriation of only $6,305.70. The gentleman from Texas [Mr. BLANTON] is too good a legislator to desire any such misstatement to remain in the RECORD, because it specifically must reappropriate $375,000 in addition, or a total of $381,000. I say this because this is one of the bills that comes before the House in the closing days of the session, and I am sure we are all glad we have the gentleman from Texas here to put his stamp of approval on this appropriation.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. This is merely an additional $6,300 to that which has once been appropriated for this purpose, and the report of the War Department, sent here in January, 1930, says it is not only the desire of the War Department that this bill be passed but that it is in accordance with the financial program of the President, and I am always with the financial program of the President and the recommendation of the heads of departments.

Mr. LAGUARDIA. Especially when it concerns land in the State of Texas.

Mr. BLANTON. It is not in my district at all and will not benefit me a particle, not a particle.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. TABER. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. LAGUARDIA. There is one more thing I want to suggest to the committee, and that is the constant purchase of land by the War Department when at the same time we are selling surplus land and property. The membership of the House will remember, and the Military Affairs Committee must particularly remember, that about four or five years ago, and not more, we passed a bill containing a long list of posts, lands, and real property, which it was thought desirable to dispose of. We authorized the sale of that property without any thought of having a study made as to any additional lands which might be necessary for the development of the plans of the War Department. So we find ourselves in this position: We are selling lands which the War Department owns at ridiculously low rates, at a sacrifice, and purchasing land at high prices during the same year. I leave it to every member of the Appropriations Committee and every Member of the House who follows War Department legislation if that is not true. They now come here and say, "We need an additional 2 acres for every one horse we have down there to romp around in." I submit that is rubbing it in a little too much to ask for more land because it is believed we will increase our Cavalry forces in this day and age. If there is one thing the great State of Texas has a great deal of, it is land; and I have never seen land jump in value so much in any State

in the Union as it has in the course of the last four hours right here on the floor of the House of Representatives.

It is now proper for my colleague from Texas to say that the gentleman has no knowledge about the value of land in Texas. I have not, but I am sure that land in cities must be a little more valuable than it is where you have hundreds of thousands of acres available, and the prices suggested to-day for the acquisition of land is far too high for the purposes for which they are purchased.

Mr. WURZBACH. The gentleman does not undertake to say that $100 or $125 an acre for land situated on the outskirts of a city the size of El Paso is too much to pay?

Mr. LAGUARDIA. The gentleman misses my point. I say we should not buy such kind of land for that purpose. It is ridiculous to go on the outskirts of a city and buy land for cavalry drills or land for aerial bombing purposes. That is my objection. There is land within a few miles beyond that which we could use and buy for a few dollars an acre. I served on the Public Lands Committee of this House, and every day on the Consent Calendar we have bills authorizing the sale of public lands, and the Secretary of the Interior has authority to dispose of public land for $1.25 an acre, the kind of land that would be suitable for the purpose outlined by the committee. I am not saying this particular land is not valued as much as suggested, but I say it is not good and prudent business management to buy such valuable land for this kind of a purpose—cavalry drill and aerial bombing.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. STAFFORD. Mr. Chairman, I only wish to take a few minutes. Mr. Chairman and gentlemen, in 1925 the deficiency bill carried an appropriation of $366,000 for the purchase of land at Fort Bliss. The War Department did not, according to the letter of the Secretary of War of September 9 last, use more than $91,000 of that $366,000, because the price of the land in contemplation to be purchased was too high. There was returned to the Treasury a balance of $275,000, and because the authorization with respect to that amount has expired it is now purposed to make that available and in addition thereto some $6,000, making the amount available for the purchase of necessary land at this most important post $281,000.

I stop merely to call attention to the testimony given by General Mosely, one of the leading officers in the cavalry service. In his testimony before our committee he used this language:

> This matter came up as early as 1919, and it has been favorably recommended by every commander of the Eighth Corps Area and by every general who has commanded at Fort Bliss except only General Castner.

I could go on and read, and I will read, with respect to the need of this land:

> It is important because of the Mexican situation and the border situation. It is a most important railroad center.

He further goes on and cites that motorization can not meet the conditions on the border:

> We had some maneuvers down there and the motors did well, but, unfortunately, one of those Texas rains came up and where it had been perfectly dry before there stood a lake for a number of days and we were stuck in the mud.

He further goes on to show that while Columbus, N. Mex., is only 150 miles away as the crow flies, nevertheless by reason of the drifting sands it is necessary when motor is used to go more than 300 miles, but by cavalry they can go direct.

Now, the practical question before the committee is whether this land in the background of this most important post on the border, occupied by both cavalry and infantry troops, with more than 2,000 located there, is necessary for maneuver purposes as recommended by the Army experts, or whether the House proposes to accept the dicta and the dictum of members of the Appropriations Committee who have not had this expert evidence from the head of the cavalry service before them for consideration.

We leave it to you. El Paso is a growing city. This land is the only land available to meet the growing needs. The price of land is going up more and more. If these facts are true, then I say to you, gentlemen, it is a good business proposition now to purchase the land while we can acquire it and before it is peopled or platted into lots and sold. [Applause.]

Mr. TABER. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. TABER. So that the committee may understand the situation, it appears that the number of cavalry necessary to use this land is being reduced year by year, and that they have been using this place for maneuvers for four or five years since they bought this other tract.

Mr. STAFFORD. In reply to the gentleman, may I read further from the testimony of General Moseley:

> The acquisition of the tracts in question is essential to the future development of this important post, as the land already possessed is not sufficient.

No more definite testimony could be had. We follow the testimony of the tactical heads of the War Department. This is a unanimous report from the committee, and we believe it is essential if we are going to continue Fort Bliss, and no one disputes that Fort Bliss is essential in the military protection of the United States. [Applause.]

Mr. LAGUARDIA. Will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. LAGUARDIA. What is the land that the gentleman from Texas referred to that they had been using for years without charge?

Mr. STAFFORD. This very land, without any charge by the owners, but approaching the status of urban dwelling property. Mr. Chairman, I ask for the reading of the bill for amendment.

The Clerk read as follows:

> *Be it enacted, etc.*, That a sum not to exceed $281,305.70 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of land in the vicinity of and for use in connection with the present military reservation at Fort Bliss, Tex., and the Secretary of War is hereby authorized to make said purchase.

With the following committee amendment:

> Strike out all after the enacting clause and insert:
>
> "That the Secretary of War is hereby authorized to acquire, by purchase or condemnation, additional land in the vicinity of and for use in connection with the present military reservation at Fort Bliss, Tex. The unexpended balance, namely, $275,000, of the amount appropriated for this purpose by the act of March 4, 1925 (43 Stat. 1313, 1344), is hereby authorized to be made available, and an additional appropriation of $6,305.70 is hereby authorized, making a total of $281,305.70 herein authorized to carry out the provisions of this act, or so much of said sum as may be necessary.
>
> "SEC. 2. The Secretary of War shall, by due advertisement in such manner as he deems best calculated to give the widest necessary publicity, call for offers of land for use in connection with said Fort Bliss, Tex., and if after negotiation he is able to buy said land, or any part or parcel or tract thereof, at such price or prices as he shall deem to be the fair and reasonable market value of the land, then he is authorized to purchase said land for said purpose at such prices; and if any of said offers of land are at prices deemed by the Secretary of War to be above the reasonable market value of such parcel or tract of land, and if after the negotiation the Secretary of War is unable to purchase the same at fair and reasonable prices as herein defined, then in such case the Secretary of War is authorized to request the Attorney General of the United States to institute condemnation proceedings for the acquiring of such tracts or parcels of land as may be necessary for such purpose."

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, this proposed reservation is in a part of the United States to which our attention has been called in a novel way in the last two or three days. It developed that there are two places in the United States—developing prosperously as all the country is—there are two places growing more rapidly as the census shows, than any other part of the country. One of these places is the State of Texas and the other is Florida, in spite of the many setbacks.

I had an opportunity to visit Texas about three years ago. No one can return from there without being simply amazed at her astounding and rapid development and growth. All you have to do is to go across the border and see Mexico to be more impressed with two things: First, with the contrast between the two countries, and, second, the necessity of protecting this rich and rapidly developing, splendid country against what is practically wildness, desolation, and banditry on the other side. [Applause.]

So it is plain, first, that this country requires protection, and, second, that it will repay protection, because it is contributing in a marvelous, splendid way to the growth, prosperity, and development of this country.

There is only one objection that has been raised here, and that is that the cavalry that is going to use this land is not as large a unit in the War Department as it has been in the past. But this land can be used not only for cavalry, it can be used for all sorts of maneuvers for troops. In a country like this it will continue to be invaluable for the protection of the American side.

Then there is the third reason for buying it at this time. I have ridden over hundreds of miles of land in Texas only 10 or 15 years ago that was simply mesquite bush, worth a few cents an acre, and to-day it is producing returns of $500 and $1,000 an acre.

So if you buy this land to-day you are buying it with the certainty that the purchase is one that will increase in value; that if you wait you will have to pay an added and much greater sum; that the purchase is a profitable one, one upon which you can fully realize a handsome return, with the certainty of the increasing development; and, further, you need more protection, greater military defense, more land in that splendid country down there.

And so from every standpoint of the present necessity of the great usefulness, protection of the present, the cheapness of the land—from every standpoint I shall support this bill. [Applause.]

Mr. TABER. Mr. Chairman, I rise in opposition of the pro forma amendment. I am not opposed to, and I do not believe any one here who is in opposition to this bill, is opposed to the idea of there being adequate military defenses on the border. I believe we should have them; I believe we have them; but I do object to the United States Government going into a real-estate speculation and buying something that it does not need.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the committee amendment.

Just one more question. What is the assessed value of this land? Can any member of the Committee on Military Affairs tell us?

Mr. McSWAIN. I do not know.

Mr. BLANTON. I have no information about it.

Mr. McSWAIN. Five years ago when the matter was up there was testimony that a board of appraisers had appraised the value at $100 an acre.

Mr. LAGUARDIA. The gentleman does not know what the assessed value is?

Mr. McSWAIN. No.

Mr. STAFFORD. And it is the opinion of our chairman, the gentleman now invalided in the hospital, that this property could be purchased at this figure.

Mr. McSWAIN. Exactly. It may be bought for less. There are three different tracts. Some of it lies closer to the city than others, and, of course, there will be more asked for that than for the land farther away from the city. The outlying tract may be had for considerably less.

Mr. STAFFORD. And that the price in the opinion of the chairman is a reasonable price?

Mr. McSWAIN. Certainly.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. HOOPER having assumed the chair as Speaker pro tempore, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 2030, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. STAFFORD. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STAFFORD, a motion to reconsider the vote by which the bill was passed was laid on the table.

### PERSONAL EXPLANATION

Mr. MARTIN. Mr. Speaker, when the bill H. R. 9937, to provide for summary prosecution of slight or casual violations of the national prohibition act was under consideration yesterday the gentleman from Arizona [Mr. DOUGLAS] was absent on official business. He wishes me to state that if he had been here he would have voted "no."

### POISON ALCOHOL

Mr. HUDSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of industrial alcohol, and to include certain correspondence between myself and Doctor Cumming, of the Public Health Department, and also an editorial from the Evening Star of May 25, 1930.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HUDSON. Mr. Speaker, I have constantly been on the alert as to the question of the use of denatured alcohol in industrial processes. The sixth district of Michigan not only is the center of the great automobile industry of the country, which is a large user of industrial alcohol, but there are also extensive paint and varnish factories as well as pharmaceutical preparation establishments. From time to time there has been a constant attack upon the use of denaturants in the formulas used for the preparation of industrial alcohol.

The Washington Post in its edition of May 25, 1930, carried an editorial entitled "Poison Alcohol," which had reference to the amendment by Senator TYDINGS, which was defeated both in the House and the Senate in the passage of the legislation transferring the Prohibition Enforcement Unit to the Department of Justice.

Under date of May 27 I sent the editorial to Doctor Cumming, Surgeon General of the United States Public Health Service, asking the opinion of the bureau in reference to the statements made concerning the same. I am appending the editorial with my letter to Doctor Cumming, his reply and the statement which he inclosed from Prof. Carl Voegtlin, professor of pharmacology. And in that connection I also attach an editorial by Prof. Reid Hunt, of Harvard Medical School, dated June 8, 1925.

MAY 27, 1930.

Dr. HUGH S. CUMMING,
*Surgeon General Bureau of the Public Health Service,*
*Washington, D. C.*

DEAR DOCTOR CUMMING: I am inclosing herewith an editorial from The Washington Post of May 25 headed "Poison Alcohol," which emphasizes the menace to public health of the use of wood alcohol and synthetic methanol. Please note especially the statement that neither of these poisons is subject to Federal governmental control such as applies to industrial alcohol manufactured and sold under Treasury Department regulations. My attention was recently directed to a press release by the Commissioner of Prohibition in which he stated that synthetic methanol was coming into the market in substantial quantities and offered for general solvent purposes as well as for automobile radiator solutions; that such synthetic methanol has all the characteristics, physiological action, and effects of wood alcohol; and that such authorities as Dr. Reid Hunt, of Harvard Medical School, take the position that the use of synthetic methanol will be followed by the same disastrous effects to life and vision as have been reported in cases of wood alcohol poisoning.

The courtesy will indeed be appreciated if you will let me hear from you at your earliest convenience on this subject with particular reference to the toxic effects of synthetic methanol by absorption through the skin or inhalation of fumes; apparently there is no doubt as to the results which follow the taking of the chemical into the stomach. My off-hand opinion is that in addition to the risks connected with the handling of synthetic methanol such as would ordinarily obtain in plant operations and around garages, filling stations, and the like vapors would be thrown off from heated engines in closed cars which might cause serious injury to the eyes, if nothing worse.

Very truly yours,

GRANT M. HUDSON, M. C.

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[From the Washington Post, May 25, 1930]

POISON ALCOHOL

During the discussion of the bill to transfer the administration of the prohibition enforcement laws to the Department of Justice Senator TYDINGS, of Maryland, attempted to amend the bill so as to make it unlawful to denature alcohol by the addition of poisons which would endanger human life. His amendment was defeated. Since then a number of deaths have been reported which were said to have been caused by poisoned alcohol, and following those fatalities Senator TYDINGS has come forward again with a proposed amendment to the pure food law, having for its object the same purpose, namely, the prevention of the use of "materials rendering such alcohol destructive to human life if used as a beverage."

Industrial alcohol is one of the most important products of manufacture, in that it is essential in medicine, in the arts, and in the manufacture of hundreds of articles of commerce from antiseptic solutions and artificial silk to soaps and vinegar. The importance of industrial alcohol is shown in the fact that 182,778,966 gallons of ethyl (pure grain) alcohol were withdrawn for denaturization in 77 plants during the last fiscal year. The belief is widespread that these denaturing plants are the source from which the bootlegger and the rum runner

obtain their wares. But, as Commissioner Doran points out in his reports, the corn sugar is probably a far more likely source from which illicit booze is obtained. Upwards of 900,000,000 pounds of corn sugar was produced last year. Corn sugar can be converted into alcohol for beverage purpose very easily and rapidly, and doubtless a large percentage of illicit alcohol is obtained from this product.

Denatured grain alcohol is not responsible for so many deaths among people who can not restrain their appetites for intoxicants. In nearly every instance investigations have shown that those deaths were due to imbibing liquor composed largely of wood alcohol, or synthetic methanol, which in its toxic qualities is identical with wood alcohol. Both are virulent poisons which, when taken into the human digestive organs, cause blindness and death. Synthetic methanol is by far the more dangerous, because it is colorless, odorless, and so clear that the victim may think he has secured the purest of pure alcohol only to wake up in another world to discover his error.

Synthetic methanol and wood alcohol are not subject to Federal control. Anyone may make these poisons, if he knows how, and while they are of inestimable value in the manufacture of antifreeze solutions, shellacs, insecticides, and a score of other items of commerce, they are as deadly as strychnine or arsenic. Yet the United States permits their sale within restriction. Even the Tydings amendment, if adopted, will not affect the sale of wood alcohol, unless it is mixed with ethyl alcohol as a denaturant.

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TREASURY DEPARTMENT,
BUREAU OF THE PUBLIC HEALTH SERVICE,
*Washington, June 3, 1930.*

Hon. GRANT M. HUDSON,
*United States House of Representatives, Washington, D. C.*

MY DEAR MR. HUDSON: I beg leave to acknowledge the receipt of your letter of May 27, 1930, inclosing an editorial from the Washington Post, "Poison Alcohol," and requesting a statement regarding the toxic effects of synthetic methanol by absorption through the skin or by inhalation of fumes.

I am inclosing a statement on this subject, prepared by Prof. Carl Voegtlin, chief division of pharmacology, National Institute of Health (Hygienic Laboratory), of this service.

I am returning the clipping from the Washington Post in accordance with your request.

Very truly yours,

H. S. CUMMING, *Surgeon General.*

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HYGIENIC LABORATORY,
*Washington, D. C., May 29, 1930.*

Memorandum in reply to a letter by the Hon. GRANT M. HUDSON, Member of Congress, concerning synthetic methanol.

It has been well established that synthetic methanol has the same type of toxic action as ordinary wood alcohol. The earlier claims that synthetic methanol is less toxic than wood alcohol have been proven to be false. It is true, however, that certain samples of crude wood alcohol may contain some allyl alcohol, which is more toxic than methanol. Methanol is readily absorbed by the animal system when given by mouth. The poison is also taken up through the lungs when animals or man are exposed to methanol vapor in air. Thus it has been shown by experiments on rats and dogs that the total amount of methanol absorbed through the respiratory tract varied from 0.32 to 0.55 gram per kilogram of body weight. Methanol is slightly more volatile than ethyl alcohol and grain alcohol, and there are several records in the medical literature reporting methanol poisoning in painters using paints containing methanol. The danger of poisoning would be especially great when the painters work in poorly ventilated or closed rooms.

There are also records in the scientific literature indicating that the repeated administration of methanol or methanol-containing preparations to the human skin may cause methanol poisoning and blindness.

To sum up, it would seem that the indiscriminate substitution of synthetic methanol for ethyl alcohol in the manufacture of paints, varnishes, antifreeze solutions, cosmetics, etc., would involve a serious hazard to the health of people. Certain States in the Union have enacted laws prohibiting the use of methanol in all preparations intended for internal administration.

Respectfully submitted.

CARL VOEGTLIN,
*Professor of Pharmacology.*

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[Reprinted from Industrial and Engineering Chemistry, vol. 17, No. 7, p. 763. July, 1925]

SYNTHETIC METHANOL IS POISONOUS

EDITOR OF INDUSTRIAL AND ENGINEERING CHEMISTRY:

I have performed a number of experiments upon animals with the German (synthetic) methanol which you sent me. The results were the same (qualitatively and quantitatively) as those obtained with pure methyl alcohol obtained from wood distillates. The synthetic methanol showed the same characteristic differences from ethyl alcohol; when the two alcohols were given in equal doses the animals receiving a single (large) dose of ethyl alcohol were more profoundly affected—showing a greater degree of incoordination and a greater depth of narcosis—than did those that had received the methanol. When, however, these doses were repeated a few times at 24-hour intervals the differences between the action of the two alcohols became very striking; the animals receiving the ethyl alcohol became less powerfully affected (tolerance) whereas those receiving the methanol became more deeply poisoned with each dose (cumulative action). Thus, after the third or fourth administration of a comparatively large dose of methanol the animals passed into a state of coma, in which they died, whereas similar doses of ethyl alcohol had a progressively less effect and could apparently be continued indefinitely without obvious harm.

Although the lower animals can tolerate somewhat larger single doses of methyl than of ethyl alcohol, it is known that this is not true of man; the more highly developed nervous system of man is more seriously affected by methyl alcohol than is that of the lower animals, and permanent blindness has often been reported from single, sometimes small, doses of methyl alcohol, whereas such results are unknown in the case of ethyl alcohol.

I did not perform experiments to determine the effect of the synthetic methanol upon the eyes of the lower animals. Such experiments seemed unnecessary, for it was shown years ago that it is the methyl alcohol in wood alcohol which causes the injuries to the eye, and since synthetic methanol is simply methyl alcohol and has the characteristic physiological action of the latter, there is no reason to suppose that it would spare the eye.

It can confidently be predicted that the use of the synthetic methanol as a beverage or as an adulterant will be followed by the same disastrous effects to life and vision as have characterized such uses of wood alcohol. Those who are circulating the report that the synthetic methanol is not poisonous are not only stating an untruth but are assuming a grave responsibility, for death or blindness will inevitably be the fate of a number of those who may be misled by such statements and attempt to use synthetic methanol as a beverage.

REID HUNT.

HARVARD MEDICAL SCHOOL,
*Boston, Mass., June 8, 1925.*

SALE OF JACKSON BARRACKS MILITARY RESERVATION, LA.

Mr. STAFFORD. Mr. Speaker, by direction of the Committee on Military Affairs I call up the bill H. R. 6871, to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes.

The SPEAKER pro tempore. The gentleman from Wisconsin calls up the bill H. R. 6871, which the Clerk will report.

The Clerk read the title of the bill.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That whenever the State of Louisiana shall withdraw and release its election to purchase the property known as the Jackson Barracks Military Reservation, which the Secretary of War was authorized to sell or cause to be sold pursuant to the acts of March 12, 1926 (44 Stat. 203, 204), and March 30, 1928 (45 Stat. 307), the said reservation shall be withdrawn from sale and retained by the Secretary of War for military purposes as hereinafter provided.

SEC. 2. That the Secretary of War be, and he is hereby, authorized to lease said property to the State of Louisiana for National Guard purposes, for a term of not exceeding 25 years, in consideration of its maintenance and upkeep to the satisfaction of the Secretary of War by the State, during the term of such lease, and failure to do so shall render the lease subject to cancellation: *Provided*, That said lease shall be subject to cancellation at any time on 120 days' notice in writing by the Secretary of War should he deem it necessary to regarrison said post, or the use and occupation under said lease may be suspended by him without notice in case of and during any national emergency: *Provided further*, That the lease may be terminated at any time by the State of Louisiana, at its option, by giving 180 days' notice in writing to the Secretary of War: *And provided further*, That the State may, with the approval of the Secretary of War, sublease said property in a manner not inconsistent with said lease, the proceeds from all subleases to be applied by the State toward the maintenance, improvement, and upkeep of the property, and an accounting of such proceeds to be rendered by the State to the Secretary of War annually.

With a committee amendment as follows:

On page 2, line 13, after the word "post," strike out the comma and the words "or the use and occupation under," and in line 14, after the word "further," insert the word "that," and in the same line strike out the word "suspended" and insert the word "canceled," and in line 15, after the word "of," strike out the words "and during."

Mr. LAGUARDIA. Mr. Speaker, I would like to have the gentleman from Louisiana explain this bill. I would like to know something about it.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, I wish to thank the members of the Committee on Military Affairs for their gracious attitude toward me in taking up this bill important to the State National Guard of Louisiana. I wish also to thank the many Members of the House who, at my solicitation, have displayed an unusually lively interest in this bill. I wish to thank the Speaker for his courteous attitude and his assurance that if the committee found itself in a condition that it could no longer carry on to-day and I could make a show of emergency on the floor as a preliminary to the motion I would make to take the bill up out of order he would recognize me for that purpose.

The reading of the bill, Mr. Speaker, by the Clerk of the House will show its importance to one of the finest military organizations in the United States. That organization will go out with the Regular Army on any fateful day that the bugle of our country sounds the equivalent to "fall in," "forward march" to victory or to death. The State National Guard of Louisiana is really the heir to the history, traditions, and the fortunes of the immortal Washington Artillery, which in addition to its many notable engagements covered itself with fadeless glory in its unparalleled covering of the withdrawal of Lee's army from Gettysburg.

I was an active member of that artillery in my younger years and subsequently enjoyed the distinction of being made an honorary member by that great command. I served it proudly in the constitutional convention of Louisiana of 1898, when it required legislative aid. I served it as a member of the Legislature of Louisiana from 1900 to 1912, during which years it needed legislative friends, and I have served with pride and affection its heirs, the State National Guard, in the Congress of the United States whenever the commanding officers of the guards made any request upon me to render them service. I am proud of that institution. Louisiana is proud of it. The State National Guards have occupied the Jackson Barracks for years, a permit having been granted to them by the Secretary of War, with my consent and approval, as the barracks are in my district. The old place has a wonderful history behind it. It was acquired by the United States in 1846 for approximately $46,000. I do not know what the property is worth to-day, but it is absolutely certain, Mr. Speaker and Members of the House, that if the property has increased in value, it has not been due to any effort on the part of the United States Government; that property has increased in value as a result of expenditures by the taxpayers of the city of New Orleans in extending the city through paved streets, for which they have paid; for putting up schoolhouses, for which they have paid; for extending the lighting system, the water system, and the sewer system of the city of New Orleans, and any accretion that has come in value to the property is due to the taxpayers of the city of New Orleans. The property will continue to increase in value from year to year, and therefore it is a most desirable investment for the Federal Government to make in giving the use of historic property to our famous National Guard. My distinguished friend Congressman STAFFORD, of Wisconsin, will move the passage of the bill. My friend Congressman LAGUARDIA, who knows as much about military affairs as any man in the United States, will be glad to vote for this bill. I hope the Senate will accept the House report instead of asking for a report from the Secretary of War and expeditiously pass this bill when it is reported out by the Senate Committee on Military Affairs, which will be, indeed, "good tidings of a great joy" to my many friends in the State National Guard of Louisiana.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE

Mr. BLOOM, by unanimous consent, was granted leave of absence for an indefinite period on account of illness in his family.

SENATE BILLS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 615. An act authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes; to the Committee on Indian Affairs.

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.); to the Committee on Claims.

S. 1812. An act to authorize the collection of annual statistics relating to crime, and to the defective, dependent, and delinquent classes; to the Committee on the Census.

S. 2010. An act for the relief of Clatsop County, Oreg.; to the Committee on Claims.

S. 3409. An act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture; to the Committee on Agriculture.

S. 3594. An act authorizing appropriations for the construction and maintenance of improvements necessary for protection of the national forests from fire, and for other purposes; to the Committee on Agriculture.

S. 4051. An act authorizing the Pillager Bands of Chippewa Indians, residing in the State of Minnesota, to submit claims to the Court of Claims; to the Committee on Indian Affairs.

S. 4325. An act to amend subchapter 5 of chapter 18 of the Code of Law for the District of Columbia by adding thereto a new section to be designated section 648–a; to the Committee on the District of Columbia.

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks; to the Committee on the District of Columbia.

S. J. Res. 171. Joint resolution to amend section 5 of the joint resolution relating to the National Memorial Commission, approved March 4, 1929; to the Committee on Public Buildings and Grounds.

S. J. Res. 182. Joint resolution prohibiting location or erection of any wharf or dock or artificial fill or bulkhead or other structure on the shores or in the waters of the Potomac River within the District of Columbia without the approval of the Commissioners of the District of Columbia and the Director of Public Buildings and Public Parks of the National Capital; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 937. An act for the relief of Nellie Hickey; and

H. R. 9806. An act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 11965. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 12302. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 937. An act for the relief of Nellie Hickey; and

H. R. 9806. An act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States.

ADJOURNMENT

Mr. RANSLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Friday, June 6, 1930, at 12 o'clock noon.

## COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, June 6, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON ELECTIONS NO. 1

(10 a. m.)

To consider the contested-election case between Representative LOUIS LUDLOW and former Representative Ralph Updike.

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To authorize appropriations for construction at military posts (H. R. 2754).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

528. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Navy Department for the fiscal year ending June 30, 1931, in the amount of $5,532.26, to defray the expenses of the United States Marine Band, in attending the national encampment of the Grand Army of the Republic, to be held at Cincinnati, Ohio (H. Doc. No. 448); to the Committee on Appropriations and ordered to be printed.

529. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture for the fiscal year 1931, for the relief of the State of Georgia, $506,067.50, and the State of South Carolina, $805,561, in reconstructing roads and bridges damaged or destroyed by floods in 1929, in all $1,311,628.50 (H. Doc. No. 449); to the Committee on Appropriations and ordered to be printed.

530. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1931, amounting to $10,000, for salary of an envoy extraordinary and minister plenipotentiary to the Union of South Africa (H. Doc. No. 450); to the Committee on Appropriations and ordered to be printed.

531. A communication from the President of the United States, transmitting two supplemental estimates of appropriations for the War Department for the fiscal year ending June 30, 1930—namely, survey flood control, Choctawhatchee River, Fla. and Ala., $14,000, and maintenance and operation Panama Canal toward construction of a ferry and highway near the Pacific entrance of the canal, $500,000, both sums to remain available until expended (H. Doc. No. 451); to the Committee on Appropriations and ordered to be printed.

532. A communication from the President of the United States, transmitting supplemental estimate of appropriation in the sum of $2,500, for the War Department, for the fiscal year ending June 30, 1930, to remain available until June 30, 1931 (H. Doc. No. 452); to the Committee on Appropriations and ordered to be printed.

533. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1931, to remain available until June 30, 1932, amounting to $25,000, and a draft of proposed provision of an existing appropriation (H. Doc. No. 453); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PARKER: Committee on Interstate and Foreign Commerce. S. 3619. An act to reorganize the Federal Power Commission; with amendment (Rept. 1793). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER: Committee on Naval Affairs. H. R. 9231. A bill providing for the acquirement of additional lands for the naval air station at Seattle, Wash.; with amendment (Rept. No. 1794). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 11367. A bill to provide for certain public works at Parris Island, S. C.; with amendment (Rept. No. 1795). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 11409. A bill to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861; without amendment (Rept. No. 1796). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 9893. A bill to provide a military status for certain American citizens; with amendment (Rept. No. 1800). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOLVERTON: Committee on Military Affairs. H. R. 1501. A bill for the relief of William H. Connors; with amendment (Rept. No. 1788). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 6491. A bill for the relief of John J. Mullen; with amendment (Rept. No. 1789). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 10113. A bill for the relief of Uriel Sliter; with amendment (Rept. No. 1790). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 10326. A bill for the relief of William H. Stroud; without amendment (Rept. No. 1791). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 8784. A bill for the relief of Leonard Theodore Boice; without amendment (Rept. No. 1797). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 672. A bill for the relief of Walter W. Adkins; with amendment (Rept. No. 1798). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 11529. A bill for the relief of William J. Bodiford; without amendment (Rept. No. 1799). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOUSTON of Hawaii: A bill (H. R. 12788) to authorize the establishment of a Coast Guard station on the south coast of Maui, in the Territory of Hawaii; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN: A bill (H. R. 12789) to authorize an appropriation for the purchase and erection of a monument of Maj. Gen. William Moultrie; to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 12790) providing that in computing the six years' service required for promotion in the Navy from warrant to chief warrant rank, all active service of warrant or commissioned officers in the National Naval Volunteers shall be counted; to the Committee on Naval Affairs.

By Mr. BRITTEN: Resolution (H. Res. 239) to appoint a subcommittee on naval affairs relative to the establishment of an air base on the Pacific coast; to the Committee on Rules.

By Mr. LEHLBACH: Resolution (H. Res. 240) to create a select committee to investigate the United States Shipping Board; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 12791) granting an increase of pension to Mary Agnes Brown; to the Committee on Invalid Pensions.

By Mr. CLARKE of New York: A bill (H. R. 12792) granting an increase of pension to Agnes C. Gill; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12793) granting an increase of pension to Lavinia C. Preston; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 12794) for the relief of W. E. McNeill, Lee Allman, and John Allman, stockholders of McNeill, Allman Construction Co. (Inc.), and W. E. McNeill, dissolution agent of the McNeill-Allman Construction Co.; to the Committee on the Judiciary.

By Mr. HULL of Wisconsin: A bill (H. R. 12795) granting a pension to Catherine Minet; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12796) granting an increase of pension to Matilda Harer; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 12797) granting an increase of pension to Burley L. Van Fleet; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 12798) for the relief of John K. Lintner; to the Committee on Naval Affairs.

By Mr. McMILLAN: A bill (H. R. 12799) for the relief of Nellie Philips France; to the Committee on Claims.

By Mr. SMITH of West Virginia: A bill (H. R. 12800) granting a pension to Martha J. Hannah; to the Committee on Invalid Pensions.

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## PETITIONS, ETC.

Under clause 1, of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7469. By Mr. BOYLAN: Letter from Overseas Automotive Club, of New York City, opposing the passage of the tariff act; to the Committee on Ways and Means.

7470. Also, letter from Redfield-Downey-Odell Co., New York City, opposing House bill 11096, which provides for a postage charge of 5 cents for directory service to be collected from the sender of all mail that requires such service; to the Committee on the Post Office and Post Roads.

7471. By Mr. CRADDOCK: Petition of the Woman's Temperance Union, of Campbellsville, Ky., at its April meeting adopted a resolution petitioning the Congress to enact a law for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce, signed by Lula Smith, secretary, and Lottie Smith, president; to the Committee on Interstate and Foreign Commerce.

7472. By Mr. GARBER of Oklahoma: Petition of county clerk, Oklahoma City, Okla., in support of House bill 10366; to the Committee on Claims.

7473. Also, petition of Carpenters Local No. 763, Enid, Okla., in support of Sproul bill, H. R. 9323; to the Committee on Labor.

7474. Also, petition of Division 630, Brotherhood of Locomotive Engineers, Enid, Okla., in support of Couzens resolution; to the Committee on Interstate and Foreign Commerce.

7475. Also, petition of Immigration Study Commission, Sacramento, Calif.; to the Committee on Immigration and Naturalization.

7476. Also, petition of Edwin Murphy, acting department commander, department of Florida, United Spanish War Veterans, in support of bill establishing branch of National Soldiers' Home in Southeastern States; to the Committee on Military Affairs.

7477. Also, petition of Train Dispatchers' Association, Oklahoma City, Okla., in support of Couzens resolution, S. J. Res. 161; to the Committee on Interstate and Foreign Commerce.

7478. Also, petition of Western Regional Association of System and/or Terminal Boards of Adjustment, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express, and Station Employees, Denver, Colo., in full support of Couzens resolution; to the Committee on Interstate and Foreign Commerce.

7479. By Mr. HALL of Mississippi: Telegram of Florian Yoste, president Retail Jewelers' Association, Vicksburg, Miss., urging Rules Committee to secure special ruling on Capper-Kelly fair trade bill; to the Committee on Interstate and Foreign Commerce.

7480. Also, telegram of A. E. Wallace, president Brotherhood Railway Clerks, Hattiesburg, Miss., urging adoption of Couzens joint resolution, suspending consolidation of railroads; to the Committee on Interstate and Foreign Commerce.

7481. Also, petition of citizens of Lumberton, Miss., not to recommend the calling of an international conference by the President of the United States or the acceptance by him of an invitation to participate in such a conference for the purpose of revising the present calendar unless a proviso be attached thereto definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days; to the Committee on Foreign Affairs.

7482. By Mr. McKEOWN: Petition of the legislative representative of the Brotherhood of Railroad Trainmen, State of Oklahoma, urging passage of the Couzens joint resolution providing for the temporary suspension of consolidation of railroads until Congress provides protection for the railroad employees as well as the public; to the Committee on Interstate and Foreign Commerce.

7483. By Mr. PEAVEY: Resolution from the County Board of Sawyer County, Wis., protesting the use of butter substitutes in State and Federal institutions, because such substitutes curtail the farmer's market, set a bad example for private institutions and individuals, and impair the health and endanger the lives of those persons who subsist thereon; to the Committee on Agriculture.

7484. By Mr. SMITH of West Virginia: Resolution by the Crawford Business Men's League, of Chicago, urging the passage of legislation which shall check the monopoly of the chain-store system; to the Committee on Interstate and Foreign Commerce.

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# SENATE

FRIDAY, *June 6, 1930*

*(Legislative day of Thursday, May 29, 1930)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10175) to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended.

The message also announced that the House had passed the bill (S. 4017) to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1420. An act to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation;

H. R. 2030. An act to authorize an appropriation for the purchase of land adjoining Fort Bliss, Tex.;

H. R. 2755. An act to increase the efficiency of the Veterinary Corps of the Regular Army;

H. R. 6340. An act to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn.;

H. R. 6871. An act to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes;

H. R. 7496. An act authorizing an appropriation for improvements at the Guilford Courthouse National Military Park;

H. R. 8159. An act to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes;

H. R. 11405. An act to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes"; and

H. R. 12263. An act to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims.

### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 1906. An act for the appointment of an additional circuit judge for the fifth judicial circuit;

S. 3493. An act to provide for the appointment of an additional circuit judge for the third judicial circuit;

H. R. 851. An act for the relief of Richard Kirchhoff;

H. R. 1158. An act for the relief of Eugene A. Dubrule;

H. R. 1160. An act for the relief of Henry P. Biehl;

H. R. 3175. An act to authorize Lieut. Commander James C. Monfort, of the United States Navy, to accept a decoration conferred upon him by the Government of Italy;

H. R. 3257. An act for the relief of Ellen B. Monahan;

H. R. 3610. An act for the relief of William Geravis Hill;